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OF

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MONDAY, JANUARY 27, 1823.

SUMMARY OF NEWS.

—353—

Politics of Europe.

The report of Saturday was entirely blank. The Papers from Bombay and Madras were also unproductive of English News of a later date than our own. We have therefore given another portion of Lieut. White's Considerations on British India in our Paper of to-day, and some articles of Correspondence in the Asiatic Sheet: to which we add the following general paragraphs of intelligence from the Papers last received.

Turkey.—The negotiations of the Austrian and English Ministers are suspended on account of Ramadan. It is stated, however, that the principalities will be immediately evacuated, and the differences with Russia are considered as terminated. There is no talk, however, of sending a Commissioner to treat directly with that power, or of the nomination of Hospodars.

"The Captain Pasha is still at Scio, without doing any thing; the report, therefore, of his departure for the Morea appears to be premature.

The Janissaries destined to form part of this Maritime expedition, have committed in the mean time many excesses: they have assassinated in the streets a number of defenceless Christians.

At Scio, there is not one stone left upon another. The Houses have been demolished, and in some instances the children were buried alive under the ruins. As to the Inhabitants of the Island who were at Constantinople, and whom the Porte had ordered to remain there, they were all executed, their property confiscated, and their shops in the Bazar, emptied of their contents.

Greek Government.—The Provisional Greek Government has drawn up an address to the European Governments, explanatory of the motives which induced the Greeks to rise, and expressing a firm determination to conquer or perish in the struggle. They well observe, they have no option, as there is no alternative but victory or extermination. They draw a line of distinction between the Greek insurrection and every other, and tell the Holy Alliance that it is injuring the cause of legitimacy to consider the Turkish Government a legitimate one; and they endeavour to shew that they only rose against the Turks, when their iron yoke became altogether insufferable.

Legislative Bill.—The Parish Registry Act (56 Geo. III. c. 116) provides that any person or persons wilfully making, or causing to be made, false returns in the books of baptisms, burials, or marriages, "being thereof lawfully convicted, shall be deemed and adjudged to be guilty of felony, and shall be transported for the term of fourteen years." And the succeeding clause enacts, "that one half of all fines or penalties to be levied in pursuance of this Act shall go to the person who shall inform, or sue for the same, and the remainder of such fines as shall be imposed on any church warden, shall go to the poor of the parish; and the remainder of such fines as shall be imposed on any rector, &c. shall be applied to such charitable purposes as shall be appointed and directed by the Bishop of the diocese."—The only punishment imposed by the Act is transportation for fourteen years, and that is to be equally divided between the informer and the poor of the parish! There was originally named a fine—that was struck out, and the transportation substituted. The other parts of the Bill

were not altered; so that the Statute Book contains this extraordinary Act amongst the laws of the land.

Thorny Trees.—M. Durad, Manager of the Repository of Inventions at Paris, has invented an instrument of a novel and elegant description, which he calls *Cuelllemain*, and with which roses and fruit may be gathered from thorny trees without sustaining an injury: it is like a pistol.

Great Undertaking.—A gentleman, now in Edinburgh, has engaged for 1,500*l.* sterling to ride 150 miles; then to walk to the moor 10 miles, and to kill 40 brace of game; he has then to walk 10 miles back: all this is to be done in 24 hours. He is to start about the end of this month, at 12 o'clock of the day, and we understand the horses are engaged.

Eggs.—A fortnight since eggs were sold at Plymouth, at from 2*s* to 4*s* for a shilling; they are now six-pence per dozen.

Singular Occurrence.—Monday as Mr. Thomas French, brother to Mr. French, of Iken Hall, was passing through Tunstall, a swarm of bees alighted on him, and rolled into his coat pocket. Mr. French took off his coat, and the bees were hived from it without doing him any harm. Mr. F. had some scented herb in his pocket.—*Suffolk Chronicle.*

Extraordinary Fecundity of Bees.—Mr. R. Douthwaite, of Swine, in Holderness, has this year got seven swarms of bees from two old hives, viz. two top swarms, two second swarms, and from the two top swarms, two virgin swarms, and from one of the latter a second virgin swarm. The first swarm was hived 2*d* May, the last on 27*th* ult. A hive of bees at Harington has thrown out four swarms within 16 days.

Hot Springs.—Three leagues from Valencia are the hot springs of La Trinchera, which form a rivulet 2 feet deep and 18 feet wide, in the driest seasons. Their temperature is 90.3 centigrade. Those of Urigino in Japan, the hottest known, are at 100°. Eggs were boiled in the Trinchera springs in 4 minutes. But what is truly singular is, that at the distance of 40 feet from these are other springs entirely cold.—*Humboldt's Personal Narrative.*

Gigantic Hiks.—A pair of the beautiful and gigantic nondescript Hiks, known by the Indians of Upper Missouri (where they have been lately discovered) by the name of *Wapetli*, arrived at Liverpool on the 9*th* instant, on their way to London. These noble animals are of the size of the horse, with immense spreading horns: their form is the most perfect model of strength of the race horse, with the lightness and agility of the greyhound: they are capable of drawing a carriage or carrying a person more than 20 miles an hour with ease. They are perfectly domesticated and of the most amiable and gentle disposition.

Antique Lances.—A few days since fourteen antique lances or swords were dug up on Wetherby Castle Rjags, near Milborne, Dorset, by some labourers who were removing a thorn bush. They are in a good state of preservation.

Excellent Cement.—The following is a very excellent cement for the use of Turners and Artizans in general. Sixteen parts of whiting are to be finely powdered and heated to redness to drive off all the water. When cold, it is to be mixed with sixteen parts of black resin, and one part of Bee's wax; the latter having been previously melted together, and the whole stirred till of a uniform consistence.—*Tech. Rep.*

Gaming.—Prodigious sums of money, have been lost at the H—lls lately. One young gentleman, well known in the gay world, has been plundered of forty thousand pounds; and the brother of an eminent speculator, of not less than sixty thousand!!! An Adventurer, the late keeper of one of those houses, has tied himself up; he is to forfeit five thousand pounds if he ever bets or throws a main again!—*Morning Post.*

Important to Seconds or Bottle-holders.—At the Berkshire Assizes on Monday, W. Franklin was tried upon the charge of Manslaughter. The case arose out of a pugilistic contest, which lasted for an hour and a half. The surgeon, who examined the body of the deceased, was of opinion that he died of apoplexy, brought on by the exertion of the contest, as there were no external marks of violence, but a considerable effusion of blood upon the brain. The prisoner was accordingly acquitted. The origin of the above fight arose from a contest between two boys, in which Franklin and the deceased were particularly active. The Judge remarked, that though he had no very great objection to men trying their strength in battle when they quarrelled, yet there was something exceedingly brutal in allowing them to fight so long after they were exhausted, and when the worst consequences might be apprehended. He therefore warned the witness who was second to the deceased, and all parties concerned, that, by a recent Act of Parliament, they were liable to the punishment of transportation for life; and he would have them beware how they permitted or engaged in a conflict of this aggravated character again, for there were persons who would take care that the law should be enforced against them. They ought especially to abstain from setting boys on to fight: he had no objection to men taking a few rounds to try which was the better man; but it was shameful to allow them to fight for an hour and a half.

Royal Academy of Music.—The Royal Academy of Music is proceeding rapidly to its permanent formation. The following is an Alphabetical List of the Professors:

Organ, Piano Forte, and General Instruction, as Conductors of Orchestra.—Mr. Clementi, Mr. J. Cramer, Mr. Greutorex, Mr. Hornby, Mr. Potter, and Sir George Smart.

English and Italian Singing.—Mr. Brahm, Mr. Crevelli, Mr. Koyvett, Mr. Liverati, and Mr. Vaughan.

Harmony and Composition.—Mr. Altwood, Dr. Crotch, Mr. Coccia, Mr. C. Kramer, and Mr. Shield.

Corded Instruments.—Mr. F. Cramer, Mr. Dragonetti, Mr. Lindley, Mr. Loder, Mr. Mori, Mr. H. Smart, Mr. Spagnoletti, and Mr. Watts.

Wind Instruments.—Mr. Ashe, Mr. Griesbach, Mr. M'Intosh, Mr. Nicholson, Mr. Puzzi, and Mr. Wilman.

Sir Francis Burdett.—The Larks MERCURY, advertising to Sir Francis Burdett not having reduced his rents at his last audit, at Great Balby, gives the following cogent reason for it:—"The tenantry of Sir Francis Burdett are, for the most part, now paying precisely the same rents that were paid for the said farms previous to the year 1796: in fact, Sir Francis did not advance his rents during the war, and therefore he has no reduction to make on the return of peace."

Bugs or Fleas.—Ten drops of essential oil of Lavender, distributed about a bed, will drive away bugs or fleas.

Mr. Floyer.—The body of Mr. Floyer, late Midshipman of the REVOLUTIONAIRE, has been picked up off Weymouth.—Had he lived, he would have possessed property to the amount of 3,000*l.* a year.

Adder.—An Adder, about two feet and a half long, was a few days since killed in the parish of Icklesham, on the opening of which were found thirteen young Partridges.—*Brighton Chronicle.*

Lightning.—During one of the late thunder storms Sir Oswald Moseley, Bart. had, at his seat at Rolleston, near Burton-upon-Trent, 70 sheep and a deer killed by the lightning.

Turkey.—Turkey, in Europe, (including the Islands of the Archipelago) is calculated to contain 11,700,000 inhabitants, of

which number only 1,200,000 are Turks: the remainder is thus composed:—Hebrews and Armenians, 900,000; Greek Christians, 7,000,000; Bulgarian Christians, 2,000,000; Albanians 600,000.

South American Republics.—A letter, received yesterday, dated Antwerp the 23d inst, announces the recognition of the Independence of the South American Republics by the Dutch Government.

His Majesty's Visit to Scotland.—His Majesty takes his departure for Scotland on Friday; he will embark at Greenwich, where the Royal Yacht, and all those vessels intended to convey the Royal Suite, are now assembled. The King is fond of fixing upon certain remarkable days on which to do certain things, and with that view is most anxious to arrive in Edinburgh to celebrate his birth-day on the 12th of August. His Majesty's stay in Scotland will not exceed ten days, for he has resolved to return by sea on the 20th inst. The delicate state of his health, would willingly have induced the King to give up the journey until next year, had not preparations to receive him gone so far. His Majesty has determined not to pay any private visits, so that there will be no distinction of party or predilections manifested during his stay in Edinburgh. Immediately on his Majesty's return, it will be his intention to reside for the remainder of the year, at Brighton.

Ladies of Edinburgh.—The Ladies of Edinburgh and its vicinity have united to prepare a splendid St. Andrew's Cross for his Majesty, composed of Scottish pearls and brilliants, which is to be presented to the King, before his landing, by Sir Walter Scott. We understand this association has been termed "Sisters of the Silver Cross."

Haymarket.—On Saturday week (August 3,) the *Marriage of Figaro* was revived at this Theatre, for the purpose of introducing Miss Paton in the character of *Suzanna*. The performance of this evening bordering so close on our publication, we postponed our attendance until Wednesday evening, when the ease and self-possession which this very promising aspirant displayed from the first, was still more settled and confirmed. Miss Paton reminds us of the observation made upon Sir John Denham on the publication of his *Cooper's Hill*—that he broke out at once upon the town twenty thousand strong. As a singer and reciter this young lady was already known to the concert-room, and from the impression there made, great expectations were formed of her theatrical success. We have seldom witnessed a *début* in which anticipation was more rapidly and effectually realised; Criticism may have much food for discrimination and future adjustment, but we apprehend it to be settled already, that Miss Paton is a very fine singer, and will be an actress of superior pretensions. There are very promising first appearances, which by no means put future success out of doubt; but there are others which immediately set the matter at rest; and of the latter sort we regard the theatrical commencement of Miss Paton.

As a singer, this young lady commences with great advantages, as her musical knowledge is evidently very superior. Her voice is possible more sweet and flexible than powerful; but the extreme neatness and elegance of her execution, united as it is with a sufficient volume, a distinct articulation, and a shake surprisingly beautiful and regular, promises a very brilliant career. We have heard some wonder expressed at the extreme ease and composure displayed by Miss Paton, both as an actress and a singer; but we think that in the latter character it reposes upon a consciousness of very superior competency. Her ease and aptitude, in the former, are doubtless more an affair of nerve and constitution; but even here, we are disposed to think, she rests upon a more intimate knowledge of elocution and delivery than is usual with the majority of female candidates for theatrical renown. In these there is no doubt room for improvement, as her modulation is not always correct; but it is very strikingly so in the way of comparison. Her first night's performance must have exceedingly struck the audience, if she sang the opening duet with the accuracy and expression she displayed on Wednesday evening:—the latter quality, which

is possibly the perfection of musical accomplishment, was peculiarly remarkable, and indeed had previously attracted considerable attention at different concerts. This gift of nature, for it is no affair of acquirement, aided, as it is, with the advantages of science and execution, cannot but ensure a high degree of theatrical success. Indeed, we know of nothing that can impede it, but too indiscriminate applause and we think that Miss Paton exhibits too much intelligence and spirit to be misled by the undistinguishing favouritism which has often proved so injurious to the rising pets of the public. We make this remark, because it is evident that she is likely to undergo this ordeal. Her execution of "Bid me Discourse," seemed to electrify, and it was certainly a fine specimen of pure intonation, and chaste yet brilliant execution. It was endured without mercy.

The person of Miss Paton is tall and genteel, and her features are more expressive than beautiful; but the *tout ensemble* is uncommonly lively, intelligent, and agreeable; and that true piece of French portraiture, the bewitching *Suzanne*, could not have been more accurately represented as to person, aspect, and depiction. If Miss Paton has had any thing to do with the choice of character, she has shown her discrimination in the selection. *Suzanne* has not been hacknied by failures like *Polly* and *Rosette*, and at the same time gives infinitely more scope to the actress. The English *Marriage of Figaro* is a wretched falling off from the French one, but such as it is, *Suzanne* is by far the best preserved of the whole of the dramatic personae. The acting of Miss Paton, when the Count was concealed behind the easy chair, and the Page within it, with the pretended fainting-fit and reviving, was truly comic, spirited, and excellent.

Liston is not a singer enough for *Figaro*, but all the rest was as well as need be. The Countess, by Mrs. Garrick was well sung; and if not acted in the manner of a *Roxa* de Begnis, it must be allowed that our English version preserves little of the arch and somewhat mischievous exhibition of female tendencies which is found in the wicked Beaumarchais, and in the opera stolen out of him. Mrs. Chatterley's Page has something of the same defect, and for the same reason;—the indefinable but dangerous charm of the original Page is extracted, and he is little more than a mad-cap boy. The *Almasina* of Jones is good; and we must not forget the drunken *Gardener* of *Taylor*, which was a very pleasant piece of intoxication. This opera seems likely to have a considerable run. We take it for granted, that after the Haymarket season, Miss Paton will be engaged at one of the winter houses.

Cordon Sanitaire.—There is, as our readers know, a very large French army on the frontiers of Spain, probably 60,000 men—it is called the *cordon sanitaire*, a name which it will well deserve if it prevent the circulation of that fatal disease called Jacobinism. Whether it is or is not intended that, that army should be carried into more active service, is a question which we shall not discuss. But it will easily be inferred, that the report of the intended march of an Austrian and Prussian army is not entitled to credit. And it may be confidently depended upon, that any steps which the great Powers may take will have for their sole object to prevent the peace of Europe from being disturbed. Their determination with respect to Greece is this; she may carry on her insurrection against the Porte, but it must be by her own resources, and without the countenance or connivance of any of the European Powers. They feel that all and each of these Powers stand in need of repose after the long and convulsive struggles they have made, and their whole labour and efforts will be directed to that end. It is already known that the Emperor of Russia and the King of Prussia are going to Vienna, where subjects of great moment will in all probability be treated of and arranged, though possibly without the formality of a Congress.—*Courier.*

Cordon Sanitaire.—A Spanish paper mentions, that when the soldiers of the French *Cordon Sanitaire* heard of the success of the patriots at Madrid, they expressed great satisfaction, and shouted "Vive la liberte d'Espagne."

Benefit for Mr. Emery's Family.—Covent Garden Theatre was crowded to an overflow, on Monday night, when the *Riviera* was performed for the benefit of the Family of the lamented Emery. The rush into the House, on the opening of the doors, was prodigious, and the lobbies were filled by those who could not obtain seats in the boxes. Mrs. Edwin, Mrs. Davenport—and Messrs. C. Kemble, Young, Munden, Liston, and Jones,—all exerted themselves most effectually on this interesting occasion. Upon the fall of the curtain, Mr. Bartley came forward, dressed in a mourning suit, and recited the following Address, written by Mr. Colman:—

Friends of the Muse, who in a polish'd age
Support the Morals of our British Stage;
Who, when a Public Favourite gives birth
To feelings of respect for Private Worth,
With generous and equal ardour see
The merits of the Actor and the Man;
Need we, to-night, express our grief—or tell
Sorrows in which you sympathise so well?
Poor Emery is gone! who play'd his part,
Each day he breath'd, home to the very heart,
True to the Drama's, as to Friendship's call,
He charm'd us—for 'twas honest Nature all.
How oft, when scarce an effort would appear,
He drew the Giant's bow of Genius here!
Seem'd like a random shooter in the dark,
But never—never fail'd to hit the mark.
Various his range;—but, in the pleasant vein,
"We ne'er may look upon his like again."
'Twas his, well studied in the rustic school,
To show the arch, the vicious, and the fool;
'Twas his, with matchless humour, to pourtray
The Lumps and Dandies Diminutims of his day;
'Twas his, in Tyke, with truth's resistless force,
To fill the lowly villain with remorse;
'Twas his to feel, too, with becoming pride,
How Talent can support its own Fire-side;
Till, in his prime, alas!—of life bereft,
Life's dearest objects shotierless were left.
Patrons of Genius! Guardians of Distress!
Friends of the Destitute and Fatherless!
For You, his Widow will her prayer repeat—
For You, his Children's grateful bosoms beat;
And may his spirit, now look down and view
The succour they obtain this night from You!

A Concert and Operetta followed.—The receipts of the House it is said, reached 800*l*.

Picture by Rubens.—At the great picture sale now going on at Antwerp, the celebrated "*Chapeau de Paille*," by Rubens, was purchased by Mr. Smith, of Great Marlborough street, for about 2,700*l*. sterling. As soon as it was announced and put up, there was a general clapping of hands!

Mr. Shelley.—Those who know a great mind when they meet with it, and who have been delighted with the noble things in the works of Mr. Shelley, will be shocked to hear that he has been cut off in the prime of his life and genius. He perished at sea, in a storm, with his friend Captain Williams, of the *Fusiliers*, on the evening of the 9th of June somewhere off *Via Reggia*, on the coast of Italy, between Leghorn and the Gulf of Spezia. He had been to Pisa, to do a kind action, and he was returning to his country abode at Lérici to do another.—Such was the whole course of his life. Let those who have known such hearts, and have lost them, judge of the grief of his friends. Both he and Capt. Williams have left wives and children. Capt. Williams was also in the prime of life, and a most amiable man, beloved like his friend. The greatest thing we can say in honour of his memory (and we are sure he would think so), is, that he was worthy to live with his friend, and to die with him.—Vale, dilectissime hominum! Vale, delectissime; at nos ama, ut dixisti, in sepulchro.

Mr. Justice Park.—A Hertfordshire Juryman complains of the conduct of Mr. Justice Park towards the Jury at the late Assizes. He says, "The last case of to-day was one of a felony committed by a very young boy, which Mr. Justice Park informed us had been clearly made out against the prisoner, and that we could find no other verdict than guilty; we, however, thought differently, we did not conceive that the boy *had* committed a felony and we disbelieved the principal witness against him, we, therefore, acquitted him, after a long and patient consideration, and discussion. On the verdict being pronounced, Mr. Justice Park addressed us, telling us that he would not receive that verdict,—that it was contrary to the law and the evidence, and he desired us to re-consider it. We did so; and being unanimously of opinion that our verdict was a proper one, we a second time declared the prisoner *Not Guilty*.—Mr. Justice Park immediately declared in open Court, that it was an improper and mischievous verdict, and addressing the lad who had been acquitted, told him, 'that he had not the slightest doubt of his guilt, and that no one else could entertain any; that he had been most improperly acquitted, but that he would bear his case in mind, and that if ever he came before him again he should take care that the fullest punishment authorised by law was visited upon him for any offence of which he might be convicted. He then again, looking at the Jury, said that it was a disgraceful and scandalous verdict, and that it was the only wrong verdict they had given during the Assizes; and then, in no very courteous terms, desired us to be gone.'—*Taunton Courier*.

Sales of Property.—On Tuesday was sold a freehold estate in Hants, within 3 miles of Andover, called Dole's Lodge and Estate, containing 998 acres, almost all wood-land, and producing an annual income from the sale of underwood, estimated on the average of the last 3 years at 745*l*. per annum. It had also a cottage residence of a superior order, estimated with 20 acres of land, at 120*l*. per annum; and there were sold with it quit-rents amounting to 15*l*. a year, and manorial rights extending over a manor 20 miles in circumference. The timber-trees, of the estimated value of 10,000*l*. were not included. The estate, quit-rents, and manor, sold for 18,900 guineas.—There appeared to be rather more competition amongst the bidders than for any estate in hand we have lately seen brought to the hammer.

A freehold timber estate in Devon, within five miles of Exeter, containing 70 acres of land, covered with 70,000 oaks, from 16 to 42 years growth, estimated to produce 30*s*. an acre by thinning one half for the next 20 years, sold for 3950 guineas.

A freehold estate of 30 acres, adjoining the town of Buckingham, all meadow and pasture land, let to a yearly tenant, who had paid 200*l*. a year, at the rent of 160*l*. a year, sold for 2950 guineas.

The freehold estate, Merton-place, the residence of the late Lord Nelson, 8 miles from London, on the Epsom road, containing 22 acres, the mansion being taken down, but the gardens and ornamental planting remaining, and two cottages lately built at a cost of 500*l*. sold altogether for 1,600*l*.

At a sale last week of the property of a bankrupt, an extensive and commodious freehold house and garden, within five miles of Plymouth, and which occupies upwards of half an acre of ground, was bought in by the estate for four hundred pounds, no person having bid higher than *three hundred and ten*,—and this too, for a house, for which, in the year 1814, *fourteen hundred pounds* were offered and refused.

Sir Charles Bamfylde has, we understand, recently let two estates by public auction, at an extremely reduced rent—one, in the parish of Huxham, which formerly fetched 260 guineas, for 145*l*. per annum; another, in the parish of Pinhoe, before rented for 52*l*. 10*s*. per annum, at the low rate of 25*l*.—*Exeter Paper*.

During the last three months there have been imported into London 91,361 quarters of Wheat, 42,216 quarters of Barley, 56,941 quarters of Malt, 191,830 quarters of Oats, and 97,442 sacks of Flour. From starving Ireland there have been received here 1,632 quarters of Wheat, and 6,192 quarters of Oats!

Uniform of the Guards.—An alteration is to take place in the uniform of the Guards, and all other infantry regiments. The white breeches and gaiters hitherto worn, are to be exchanged for grey overalla.

Royal Academy.—Six thousand pounds is said to be the sum taken at the door of the Royal Academy for admissions to view the late exhibition.

Flying upon Water.—The Hero steam yacht reached Margate in six hours and a half on Saturday last, being at the rate of 14 miles an hour.

A Sailor.—A few weeks since at Plymouth, a sailor who had been paid off from the *Surgeon*, was about to quit that place by one of the choaches, when, to his great alarm, he discovered that his pocket-book, containing a sum of money, the remaining amount of his hard-earned wages, was missing. Suspecting who had it, he instantly returned to a house in Daek, where he had passed the night, and luckily found the object of his search about to leave it. Without ceremony he knocked her down and seizing his pocket-book, which she was in the act of carrying off, started on his journey; having overtaken the coach at Ivy Bridge, he employed his first leisure in seeing if all was right, where to his astonishment, he found the book contained *ten pounds* more than he left in it. Instantly assembling the poor of Ivy Bridge, he treated them with beef, bread and cheese, and beer, to the full amount of his discovery, and having thus enlivened the Village by this sailor-like generosity, proceeded on his journey amidst the cheers of the people he had so unexpectedly regaled.

Napoleon in Exile.—By Barry E. O'Meara, Esq. his late Surgeon. The following extract from this work describes Bonaparte's habits whilst at St. Helena.

"Napoleon's hours of rest were uncertain, much depending upon the quantum of rest he had enjoyed during the night. He was in general a bad sleeper, and frequently got up at three or four o'clock, in which case he read or wrote until six or seven, at which time, when the weather was fine, he sometimes went out to ride, attended by some of his generals, or laid down again to rest for a couple of hours. When he retired to bed, he could not sleep unless the most perfect state of darkness was obtained, by the closure of every creanny through which a ray of light might pass; although I have sometimes seen him fall asleep on the sofa, and remain so for a few minutes in broad day-light. When ill, Marchand occasionally read to him until he fell asleep. At times he rose at seven, and wrote or dictated until breakfast time, or, if the morning was very fine, he went out to ride. When he breakfasted in his own room, it was generally served on a little round table, at between nine and ten; when along with the rest of his suite, at eleven; in either case *à la fourchette*. After breakfast he generally dictated to some of his suite for a few hours, and at two or three o'clock such visitors as by previous appointment had been directed to present themselves. Between four and five, when the weather permitted, he rode out on horseback or in the carriage, accompanied by all his suite, for an hour or two; then returned and dictated, or read until eight, or occasionally played a game at chess, at which time dinner was announced, which rarely exceeded twenty minutes or half an hour in duration. He ate heartily and fast, and did not appear to be partial to high seasoned, or rich food. One of his most favourite dishes was a roasted leg of mutton, of which I have seen him sometimes pare the outside brown part off; he was also partial to mutton chops. He rarely drank as much as a pint of claret at his dinner, which was generally much diluted with water. After dinner, when the servants had withdrawn, and when there were no visitors he sometimes played at chess or at whist, but more frequently sent for a volume of Corneille, or of some other esteemed author, and read aloud for an hour, or chatted with the ladies and the rest of his suite. He usually retired to his bedroom at ten or eleven, and to rest, immediately afterwards. When he breakfasted or dined in his own apartment (*dans l'intérieur*), he sometimes sent for one of his suite to converse with him during the repast. He never ate more than two meals a day, nor, since I knew him, had he ever taken more than a very small cup of coffee after each repast, and at no other time. I have also been informed, by those who have been in his service for fifteen years, that he had never exceeded that quantity since they first knew him."

NEW WORK ON INDIA.

— 357 —

New Work on India.

EXTRACTS FROM LIEUTENANT WHITE'S CONSIDERATIONS ON BRITISH INDIA, JUST PUBLISHED.

Chapter VI.—On the Civil Government of India.

Our arrangements for the distribution of Justice examined, and their advantages and disadvantages pointed out, compared with similar institutions in England, and vindicated from the misapprehensions of Mr. Mill and the Edinburgh Reviewers.—Remarks on the permanent settlement of the Revenue.—The prospects of writers adventuring in India.—Their allowances in the different branches of the service, and chance of returning to Europe with a fortune.

The information of persons practically unacquainted with our civil administration in India is likely to be in some measure erroneous; but so far it may be useful, in the present dearth of knowledge, that it may induce others to step forward and correct their mistakes.* This being the case, I shall make no apology for the following observations, however foreign to my professional pursuits.

The legislative power in India is exercised by the governor in each presidency, controlled by a council. This council, in Bengal, consists of the Governor General and three civil servants selected by the home authorities. In general, the military commander-in-chief, at each presidency, likewise occupies a seat in council; but this does not always take place. The laws proposed by the Governor-in-council, are formally discussed by the members; who likewise possess the power of proposing laws. Every opinion or argument is delivered in writing, and recorded for transmission to the home authorities. In practice, I have understood that the council rarely assembles, except in cases of emergency; and that, in general, the measures or regulations proposed are carried round to each member for his individual sanction. This must secure greater freedom and independence in the expression of the opinions of the members, and obviate much unpleasant discussion. At the same time it affords no field for the exercise of colloquial rivalry, or that desire of intellectual distinction, which, if indulged in a deliberative assembly, operates disadvantageously by inflaming the passions, and rendering the mind less open to the influence of reason. The practice of recording the opinions of the members, opposes a powerful check to frivolous opposition, by rendering it incumbent on every individual to assign a specific reason for his vote. The majority of votes determines whether a law shall be established.

In his legislative capacity the Governor general cannot enact laws, or act independent of his council; but, in his executive or political function, he can exercise this power, on rare emergencies, subject to responsibility. The extraordinary circumstances in which we are placed in India, demand that power should thus be vigorously exercised. The laws enacted by the government are styled regulations, and are regularly translated into the native languages. They embrace the entire administration of civil and criminal justice—the regulation of the police—the collection of the revenue and customs—and the general interests of commerce.

To give a general view of these laws is altogether beyond my power. I have not the necessary books in my possession, which would enable me to do this; but the reader will obtain ample information, by consulting *Colebrooke's Digest*, and *Harrington's Analysis of the Regulations*. The administration of criminal justice is regulated by the Mahomedan code of law, which has been greatly mollified in practice, and rendered more conformable to the enlightened spirit of European legislation, by abolishing its cruel punishments, correcting its defective rules of evidence and the unjust partiality of many of its provisions in favour of Mahomedans, in prosecutions instituted by Hindoos. The sanguinary law of retaliation, in the case of murder, which is allowed to the relations of the deceased by this law, and which regards the gratification of personal revenge as a paramount consideration to the welfare of the community, has been altogether abolished. In practice, this right was seldom rigidly exercised in Bengal, and was generally waived in consideration of a sum of money being paid by the murderer to the relations of the deceased; but this necessarily operated as a bounty to crime, and afforded impunity to the rich man who had wantonly shed the blood of his fellow-creature. The administration of civil justice is determined by the respective laws of the Mahomedans and Hindoos, tempered by a spirit of equity on the part of the European judges. In cases where both the parties are Mussulmen, the suit is decided according to the

rules of Mahomedan law; if Hindoos, according to the prescribed usages of that people. In cases where the plaintiff and defendant are of a different race and religion, the question is decided according to the law acknowledged by the latter. To lay down an equitable rule for the decision of these cases, would appear to be a difficult problem in legislation. As the Hindoos compose nine-tenths of the population, it would seem a better mode than the present that the suit should be decided according to the law of the majority; or, perhaps, it would be more advantageous if it was determined according to the conscientious opinion of the judge.

The necessity of adopting some general rule must account for the present arrangement. Thus, independent of the regulations enacted by the British government, we have adopted in practice the great body of native laws, Hindon and Mahomedan, written and unwritten, which we found established in the country. In this policy the British rulers appear to have proceeded upon the principle, that abstract ideas of political perfection could with difficulty be adapted to the state of society in India; and that, with a people so obstinately attached to their laws and usages, more substantial good would be effected by reforming existing institutions, than by destroying them. The arrangements which are made for the distribution of justice are as follows:—

Under the Bengal presidency, our territory is divided into about 50 districts, each containing a population of from 600,000 to 1,200,000 souls, the civil government of which is intrusted to one individual, designated a judge and magistrate, aided by two assistants. Thus, about 50 individuals administer justice to about 40 millions of people. Their chief duty, as police magistrates, consists in receiving criminal informations, binding over prosecutors and witnesses, and committing offenders for trial. In this respect, their functions are similar to those of an English justice of peace. Independent of this, they exercise a civil jurisdiction in petty crimes, and possess the power of inflicting punishment. At first they were permitted to try and punish all petty larcenies, and the maximum of punishment was fixed at 30 stripes or one month's imprisonment; but latterly they can take cognizance of thefts of greater magnitude, and sentence to one or two years' imprisonment. The whole of their proceedings are regularly recorded, and regulated by prescribed forms. The magistrate of the district may delegate a certain portion of his duty to his assistant. In his civil capacity, as judge of the district, the same individual tries all suits relative to property, rents, debts, partnerships, marriage, cast and all causes of a civil nature, provided the parties reside within his jurisdiction. If the sum of money or property litigated is trifling, his decision is final; but otherwise an appeal lies to the provincial court of appeal, within the jurisdiction of which his district is situated. The judge may empower his European register or assistant to determine certain causes; but from his decision appeal lies to his principal. These duties afford ample occupation for his time; but, independent of this, a judge and magistrate exercises a general control over the internal economy of his district; he regulates the state of the roads, bridges, and jills; projects improvements, and orders disbursements for their repair; he fixes the rate of different kinds of labour, and sanctions the price at which grain is sold at the different markets throughout his district. All these duties require a knowledge of the principles of political economy, and demonstrate the utility of founding a professorship for this study at Hertford. If any oppression is committed by the military or the revenue officers of government, it is his duty to take cognizance of it.

The courts of circuit and appeal consist of four European judges, a register, and assistant, with a suitable proportion of native law officers. These tribunals try all prisoners who are committed by the magistrates of districts for capital crimes, robberies, or thefts, to a considerable amount. At present there are six of these courts, comprehending about eight districts within their jurisdiction. One of the members of the circuit court proceeds in rotation throughout the division for a period of six months, and holds a regular jail-delivery at the several district courts. Should any of the prisoners be capitally convicted, the sentence cannot be carried into execution until it has received the sanction of a superior criminal court in Calcutta, designated the Nizamut Udawlat, to whom accordingly is transmitted the proceedings of the trial. Whilst one or two of the members of the circuit court are engaged in making their rounds, the remaining two judges are employed in deciding the appeals in civil causes, which are referred to them from the district courts. The judges of the court of appeal and circuit preside equally in civil and criminal causes; their decisions are final in cases where the property litigated is of trifling value; but where it is considerable, an appeal lies to the supreme civil and criminal court in Calcutta, entitled the Sadar Dewanee and Nizamut Udawlat. This court consists of a chief judge and three inferior judges, civil servants of the company, with a suitable proportion of native officers skilled in the Mahomedan and Hindoo laws. In its criminal jurisdiction the court is principally occupied in revising the trials transmitted for its sanction by the circuit courts, and either confirms, annuls, or modifies the sentence passed by these tribunals; but in no instance is it allowed to add to the severity of the punishment. Where the sentence,

* The author has perused, in India, the civil regulations of the Bengal government, which afforded him the means of forming his present opinions. He has likewise read the fifth report, the observations of Colonel Wilks on this subject, and the respective publications of Messrs. Tytler and R. Grant, from whom he has adopted some facts and arguments illustrative of his opinions.

as finally sanctioned by the court, amounts to a forfeiture of land, it must be submitted, with all the proceedings, for the special consideration of government. In cases where extenuating circumstances have appeared on the part of the criminal, and where no discretion is authorized by the law as to the degree of punishment, the court possesses the power of recommending the delinquent to the mercy of government. Independent of this prerogative of mercy, the Governor-general possesses no criminal jurisdiction. In its civil jurisdiction this court decides upon all appeals which are referred to it from the inferior tribunals, provided the property concerned amounts to a certain value. In the case of personal property, this is fixed at 50,000 rupees; where the cause refers to landed estates, rents, accounts, &c. it is determined by other rules. In causes where the value of property amounts to less than 50,000 rupees, the decision of this court is final; but should it exceed this, an appeal lies to the king in council; and even where this right of appeal does not exist from the inferior value of the property litigated, the court is at liberty, if it sees reason, to retry the case, and to reverse or confirm its own decision. In all these courts, the European judges are aided by learned natives, who declare the Hindoo or Musselman law which is applicable to the case in point. It is still a more striking feature in the rules laid down for the guidance of these tribunals, that in capital trials the principal native law-officer unites the functions of judge and jury in fixing the guilt of the prisoner and declaring the sentence of the law; and that the duty of the European judge is limited to superintending the proceedings. In this respect, he resembles the judge-advocate of a court martial, which this difference, that the latter has no right to give his opinion respecting the sentence, unless it is required by the members: on the contrary, the Indian judge is bound to sanction every trial, by his approval or disapproval. Should a magistrate of a zillah or district court be dissatisfied with the decision of his law-officer on any particular trial, he can refer it to the court of circuit and appeal, which possesses the power of reversing or confirming it. This court again can refer to the superior civil and criminal court in Calcutta. In all these courts, native pleaders have been introduced, whose fees are regulated by government. This is an innovation upon the practice of the native governments: in their courts the suitors pleaded their own causes. To protect the public against the corruption of those who administer justice, some laws have been enacted for the punishment of it. It is ordered that native law-officers, suspected of this crime, should be tried in the court to which they are attached. A charge of corruption against the European judge of any district court must be laid before the Governor-in-council, who, after due inquiry into the circumstances of the case, refers the charge for trial to the court of circuit in which the district is situated, or appoints a special commission to decide respecting it. The Governor-general likewise possesses the power of sending home individuals with whose conduct he is dissatisfied.

This sketch of the civil arrangements in Bengal will apply equally to the presidencies of Madras and Bombay, where the same system prevails. It is evident, on the slightest consideration, that these arrangements have been framed with reference to the practice of another country more advanced in the scale of civilization; and that they have not been adapted with advantage to the existing state of society in India. Under the Mahomedan system of government, the zamindar of each district presided over the administration of civil and criminal justice, which was dispensed in a summary manner. All capital cases were reported, before they were carried into execution, to the Nazim, who exercised superior jurisdiction in criminal matters within the province; in like manner, a right of appeal existed in civil causes, by carrying the suit to the court of the Dewan, who presided over the administration of justice in this department. In these district courts, the decisions were speedy, the proceedings being unfettered by the forms and technicalities of law. In the administration of penal justice, the instantaneous punishment of the offence powerfully impressed the imagination of the people, and deterred from the commission of crime. At many of the provinces were not larger than several of the districts over which a single European magistrate presides at present, the delay in the event of a reference to the Nazim was not great. A system of justice like this however imperfect, is perhaps more popular with the vulgar than a more refined jurisprudence, which, in its just dread of taking away the lives of the innocent, affords a greater chance to the criminal to escape. Under the present system, the administration of penal justice is prodigiously slow, as compared with the rapidity of the trial and decision under the Mahomedan government. If a prisoner is committed by the magistrate of a district for a capital offence, he may remain in confinement six months, until the circuit judge arrives, whose duty is to try the prisoner; and if capitally convicted, another month may elapse before the sentence is confirmed by the supreme criminal court in Calcutta. If the trial is ordered to be revised, a still further delay ensues. The extraordinary powers which are granted to this supreme court, of annulling or modifying the sentence, appear very unreasonable: having no opportunity of observing the demeanour of the witnesses in the circuit court, it is scarcely much less likely to form a correct opinion of the guilt or innocence of the criminal, than the inferior tribunal. It would seem quite sufficient, if it confined itself to the duty of selecting such cases as appeared worthy

of mercy, and recommending them to the attention of government. In the first stage of the criminal procedure, the union of the functions of judge and magistrate in the same person, appears very injudicious, and calculated to operate unfavourably against the prisoner. In a charge for a capital crime, where he commits the prisoner until he can be tried by the circuit judge, no injury can result from this practice; but in the trial of thefts, and other offences, where his sentence is final, and involves a punishment of one or two years' imprisonment, to preserve a proper impartiality, it would appear more decorous if he delegated the functions of magistrate to his deputy. As the judge and magistrate of each district is allowed two European assistants, civil servants of government, it would certainly introduce a greater simplicity into the proceedings (and perhaps improve the administration of justice), by dividing these functions, and intrusting the sole duty of examining persons accused of crime to one of the assistants. This division of labour would afford a greater chance of having the duty well performed, and is sanctioned by the criminal code of every other country. Considering that we possess such a real intellectual superiority, it appears a striking anomaly in the practice of the British court of India, that the law officer performs the function of judge and jury in determining the guilt and punishment of the criminal; and that the duty of the European judge is limited to the approval or disapproval of the sentence. At first sight, this would seem to authorize the inference that the administration of justice was principally determined by natives; and that the European judge exercised no efficient influence in these courts. This is not the case.—In practice I have understood that the European judge generally determined the guilt or innocence of the prisoner, and that the native officer performed the subordinate part of extracting the sentence of the law; but if so, would it not be more rational if the theory was rendered more conformable with the practice? The superior knowledge of the European, and his greater respect for justice cannot operate beneficially in practice, if this rule is literally followed. That enlightened and indefatigable young judge, the late Mr. Tytler, seems to have contemplated this innovation. Although he has not discussed the subject, or adverted to this anomaly in practice, he thus expresses himself:—"I sincerely hope that the time is fast approaching when we shall have justice administered by Europeans only, as circuit judges; and when the Musselman law, in criminal cases, is altogether disregarded."—P. 120-2d vol. *Considerations on India*. The effect of this arrangement would be, that the European judges would feel it peculiarly incumbent upon them to take a more active interest in the proceedings and sentence of the prisoner, for which they would be held specially responsible, and that their decisions would be tempered by a greater spirit of equity. In all civil causes concerning the rights of property, contracts of marriage, mercantile partnerships, &c. where a minute knowledge of the laws of inheritance, and their civil and religious customs, is required, the assistance of native law-officers is indispensable. Any marked innovation or improvement in the practice, unless supported by public opinion, might be attended with danger. But in the administration of criminal justice the case is entirely different. In the broad features of their practice all nations nearly agree; and the whole procedure is so simple as renders it level to the understanding of the greater part of the community. The natives know very well that, in most cases, all that is necessary is to weigh the evidence carefully on both sides before pronouncing sentence, and would therefore hail with acclamation any arrangement which secured a greater portion of knowledge, integrity, and impartiality on the part of those who fulfilled this important duty. The notorious corruption of the native law-officers, of which the most unequivocal testimony has been afforded by the most enlightened civil servants of the Company, affords an additional argument in favour of this reform. Their assistance may still be necessary in the criminal courts, but their functions should be altogether subordinate. This would no doubt be an innovation; but have not all our improvements upon the Mahomedan law been the same? This change would encounter some opposition from the Molvoes, or persons skilled in the Mahomedan law, whose interests would be affected by it;—but are these to be put into competition with the general welfare of the community? In the administration of civil justice, the increased expense, delay, and uncertainty which have resulted from the introduction of the present system, have, in a great measure, counteracted the benefit arising from the decisions of more enlightened and incorrupt judges. The complex machinery of courts of appeal and revision, which are provided under the present system, may be well adapted to a country like England, where the character of the public functionaries, and the perfection of the national institutions for the dispensation of justice is such that the people repose an entire confidence in the decisions of the judges, although the suitors may reside at an immense distance from these courts. Under a despotic form of government it is different: the applicant for justice is generally satisfied with the decision of the first civil authority of whom he demands redress. Should it be unjust, he suffers an injury; but, as judgment is summarily pronounced, he is saved the torture of suspense and delay. He is seldom inclined to resort to a higher civil jurisdiction, because he distrusts the character of his rulers, and entertains no respect for the public institutions of his country. Under the present system, he knows that the European judge is, generally speaking, pure in himself and impartial

in his decisions; but that he stands alone, being surrounded by native officers. To a man accessible to bribes, and destitute of public virtue, this is a great advantage; and that they are personally interested in the success of every case; and that every art is employed to colour and misrepresent facts in order to influence the opinion of their superior in favour of their own selfish views. With this knowledge, the native is too apt to infer that there is little chance of establishing his rights by instituting a prosecution in our courts. The immense distance at which the supreme courts of appeal are placed, operates as another disadvantage. The extremity of the Bengal presidency is at least 1000 miles distant from the capital where the court of supreme criminal and civil jurisdiction sits; and where the appeal is carried to the King in council, half the globe intervenes. This being the case, it cannot be expected that the natives in the distant provinces should repose much confidence in the decisions of men of whose character they are entirely ignorant. The tedious and expensive process of appeal and revision by which justice is obtained in the last resort, has no doubt been introduced with a view to insure a correct decision; but, in its practical operation, it is too much calculated to produce injustice, by securing an undue advantage to the wealthy over the poor litigant, and is only adapted to an opulent community, where the suitors can afford to pay for the luxury of law. To illustrate this, we shall suppose, that, in the district of Saharanpore, about 1000 miles distant from Calcutta, a wealthy zemindar has oppressed a ryot, and dispossessed him of some valuable lands, to recover which the latter institutes a suit in the judge and magistrate's court of this district. At a very considerable expense, and after a long delay, he may obtain a decision in his favour; but the value of the property is such, that it may be the interest of the defendant to risk an appeal, and therefore he removes the cause to the court of circuit and appeal, which is situated at Bareilly, about 200 miles distant. Here the plaintiff may again triumph; but, irritated by defeat, his oppressor appeals to the superior court of civil and criminal jurisdiction in Calcutta, and, if the property is valuable, may remove it across the globe. Hence it is obvious, that, in every stage of the suit, it becomes the interest of the poorer party to compromise his cause with his oppressor, from his inability to defray the expense; and that thus the law which was destined to protect him, becomes in its operation an intolerable evil. Is the existing state of society in India, it appears to me that it would have been better if no right of appeal had existed beyond the circuit courts. Considering the general ignorance which prevails in England respecting the laws and customs of India, what chance is there that the King in council should pronounce an equitable decision in appeals from the East? This provision would seem only calculated to encourage expensive litigation. In a rational point of view, it would appear more advantageous if this appeal could be made to his Majesty's supreme court in Calcutta, the members of which may fairly be supposed to possess some knowledge of the laws and customs of the natives. The introduction of native pleaders into these courts, appears a very questionable innovation. It may introduce greater method into the conduct of trials, and simplify the task of the judges; but perhaps this advantage is counteracted by the greater expense which it occasions to the litigant, and the delay created by employing greater subtlety, refinement, and chicanery in the pleadings. The beneficial check which is exercised by an enlightened bar on the conduct of the judges in England, cannot be expected to exist under a despotic form of government. The want of these pleaders in the courts under the native governments, seems to mark unequivocally the less advanced state of civilization as compared with Europe; and to afford certain evidence as to the summary nature of the proceedings before these tribunals. In a more refined state of society, a suitor in a court of law feels it advantageous to intrust his cause to the management of others, that it may not interfere with the time necessary for the conduct of his own affairs; but, if the more imperfect division of labour, and greater leisure which the Hindoos possess, enable them to attend to their lawsuits, there seems no good reason why they should be compelled to adopt the practice of another country. In this respect, every individual must know what his own interest prescribes better than the government can teach him. In India, I believe, a suitor in a court of justice is obliged by regulation to employ one of these pleaders; but surely he ought to have the right of advocating his own cause, as practised in England, when deemed expedient.

Such are the apparent theoretical defects in the judicial arrangements of British India; but by far the greatest evil undoubtedly consists in the limited number of public functionaries who are employed in their exercise. Under the present system, where one magistrate exercises dominion over nearly a million of people, it must be apparent, that with the greatest talents and integrity, he can exert but little influence in the practical distribution of justice; and that the country is principally governed by natives.

In British India, the European judge and magistrate of a district occupies the same exalted station as the lord-lieutenant or sheriff of a county in England, with this difference, that the jurisdiction of the Indian magistrate generally extends over a tract of country containing twice or thrice the number of inhabitants as an English county, and that his duties are ten times greater.

To illustrate the powerful influence which is exercised by natives, in the practical distribution of justice, it will be necessary to go into some detail. Under the existing arrangements, each magistrate is ordered to divide his district into departments of twenty square miles, and to intrust the superintendence of the police in each, to a native officer designated a darogah, with a proportion of native officers under him. This officer resides in the centre of his district. Under each magistrate there are generally from 12 to 15 darogahs, and the police jurisdiction of each extends over at least 50 or 60 thousand individuals. Considering the rank and influence which he possesses, his salary is wretchedly small, being not more than 35 rupees per month, or £36 per annum. This officer takes cognizance of all criminal offences committed within his jurisdiction, apprehends delinquents, receives bail for their appearance, or forwards the prisoners to the magistrate's court in the centre of the district. Every person who accuses another of a criminal offence, or of injuring his person, must prefer the charge in the first instance before the darogah. Thus, it is apparent that, in practice, the native recognizes his countryman as the efficient agent in the general police of the country; and that, placed at such an immense distance, the superior probity and intellectual energy of the European magistrate can operate but feebly in controlling the conduct of his subordinates. The influence of these officers is not confined to the mere duties of the police. In India, as in every other despotic community, it extends a great deal farther, and regulates many of the transactions of ordinary life. Thus, in a small village, if provisions, labourers, or any particular article is wanted by a traveller, application must be made to the police officer subordinate to the darogah, by whom the dealer is summoned, and the commodity furnished. Of course these services are not altogether disinterested, and afford opportunities for extortion. Unquestionably this minute interference in the concerns of individuals is not sanctioned or countenanced by government; but that it does exist, will hardly be denied by those who have observed the state of society in India.

Under the present system, the advantages and disadvantages of the British government in India are principally felt in the personal conduct of its native agents, by whom its principal functions are carried on. Unfortunately for humanity, the actions of these men are too often corrupt, vexatious, and oppressive; and do not correspond with the intentions of the government whom they represent. Such is the character ascribed to them by some of the most enlightened civil servants of the Company; and the truth of it is irrefragably proved on the conviction of others practically unacquainted with the civil details of government. Thus, if a military officer marches across the country with a division of troops, he is generally waited upon by the darogah, or superintendent of police of the division through which he passes, who pays his visit with considerable pomp and ceremony, accompanied by a retinue of servants, whose pay far exceeds his monthly salary of 35 rupees. The attention of the European is roused by this; he naturally inquires of those about him, how it is that a man so wretchedly paid is enabled to make so splendid an appearance? The information which I have obtained in such circumstances, from native officers of respectability, sufficiently explains this. They stated, that this was entirely owing to their habitual profligacy, corruption, and want of principle, which enabled them to accumulate large sums;—that, invested with the power of seizing offenders and exempt from the personal control of the magistrate, by the distance of his residence, they too often perverted their authority to their own selfish purposes, by abstaining from apprehending notorious delinquents, and conniving at their offences, as long as they could pay for such indulgences. Thus, if one individual accuses another of having committed a theft or robbery, it is said to be a common practice with darogahs to release the criminal, on consideration of his making him a handsome present; and, as they are judges of the evidence, in the first instance, it is easy with them to colour the matter, so as to represent it as insufficient to convict the prisoner. This is understood to be a fertile source of emolument. When a murder is perpetrated within the jurisdiction of a darogah, the occasion is eagerly seized for the purposes of extortion; he hastens to the spot, and commences operations by examining a number of the inhabitants apart. He is thus enabled to learn the name of the delinquent, or, what answers his purpose equally well, to ascertain against whom suspicions are entertained. Thus armed, he charges the individual with the offence; and, where circumstances will admit of it, compromises with him for his crime. Should vague suspicions be entertained against a number of individuals, the occasion is still more favourable for collecting an ample harvest. By working on their fears, and threatening these individuals, that they shall instantly be sent to the magistrate's court, he is enabled to collect large sums. To avoid the misery of being torn from his family, the injury which his private interests will sustain from his absence, and the disgrace attending a public imprisonment, the wretched villager, although altogether innocent, is compelled to make any sacrifice which will avert these calamities. The march of troops used to afford the inferior minions of power another pretext for exercising great oppression. Thus, if a certain number of porters were required, the myrmidons of office were wont to seize upon individuals who esteemed it an utter disgrace to carry a burthen, and who were glad to make any pecuniary sacrifice which would remove

them from this degradation. If cattle were required, they were torn from the useful labours of agriculture, which compelled the cultivator to redeem them. A regulation of government, during the last year, prohibiting military officers from applying to the agents of police for such aid bids fair to afford some check to these disorders, by removing the pretext. It must here occur to the reader—Can such cruel outrages upon personal liberty and property exist, unknown to and unopposed by the European magistrate? The answer must be, that, placed in the centre of an immense district, it is impossible for one individual to control the conduct of his numerous subordinates; and that, being surrounded by individuals whose interest it is that he should remain in ignorance of these transactions, many of them are unknown to him; but that when known they are punished, although the conviction of these offenders is rendered peculiarly difficult by particular circumstances.

The darogahs and inferior officers, are, generally speaking, relations or dependants of the principal law-officers of the magistrate's and circuit courts, by whom they are recommended for these situations; and these men, feeling a natural sympathy with corrupt practices of the former, from a knowledge of their own venality, the whole resources of their skill and experience are too often employed in the service of the criminal. For this purpose, the trial is sometimes delayed,—at other times hurried on—essential witnesses are kept back, and false evidence suborned. As, according to the regulations, these law-officers conduct the examination of the criminal, and determined his sentence, this extensive power too often enables them to absolve the offender.

The fear which a despotic government inspires in its subjects, extinguishes all confidence in their rulers, and prevents the victims of oppression from complaining against those who have injured them, lest they should provoke the resentment of their superiors. This operates in practice, by securing impunity to the officers of government who abuse their trust. The habits and customs of their European rulers oppose a powerful obstacle to the punishment of these offences, as contrasted with those of their former governors. Under the Mahomedan rule, the Nazim or governor of a province held a court of justice once a week in the open air, to which the meanest suitor had access, and could expose the oppressive conduct of the officers of government. Unquestionably, the knowledge which was thus obtained to often afforded a pretext for stripping the rapacious oppressor of his wealth, without benefitting the injured party by restoring his property. But this has sometimes happened; for, even in Asia, upright and high-minded rulers have occasionally appeared, who considered that extensive power was only given them for the benefit of others. And, in their hands, this public administration of justice was eminently calculated to repress oppression. Under the present rule, it is entirely different. The European judge is to be found in the centre of a court of justice, surrounded by his native officers, who render all access to his person difficult. The house, which is constructed after the European fashion, with narrow doors and windows, increases the difficulty, and renders it easy for his native officers to repel obtrusive complainants.

The retired and modest character of the European judge renders him averse to all display and exhibition of his person, which might afford opportunities to the poor to state their grievances.—This is very well illustrated by the author of the *Sher Mulksherein*, a work written in Persian, containing an account of the transactions of the [English in Bengal. This native gentleman, who was intimately connected with the English, represented to Mr. Vassiltart, when president of the council of Patna, that he ought to appear in public occasionally, and dispense justice according to the practice of the ancient rulers of the country. The Englishman replied, that he could not transact business exposed to the gaze of a numerous assembly; and therefore preferred his closet. But, supposing that he had followed this advice, it is obvious that some limit must be opposed to this practice, as, where one man exercises dominion over so many, it is impossible for him to listen to all. This sufficiently accounts for a regulation of government which requires that all petitions delivered into a court of justice, should be written on stamped paper, upon which a duty is levied. This can only operate in practice, by deterring the poor man from complaining of the unjust oppressions of the amesudars and officers of government, and must be regarded as the greatest evil of the existing arrangements for the distribution of justice. But it appears to be almost unavoidable from the limited number of public functionaries employed in this duty. The inference is apparent, that, if England is to exercise dominion in India, their number ought to be increased. In justice to a meritorious body of men, it appears to me but fair to state, that I have understood there are many judges who render themselves, as far as practicable, accessible to every native, and by whom unstamped petitions are received in their own houses. The vulgar opinion which is entertained in England of the corruption of these as instead of all other public functionaries in the East, is altogether unfounded. That instances do occur of this want of principle, cannot be denied, but they are very rare. The present Governor general, Lord Hastings, has adopted the salutary practice of the ancient rulers in bestowing every attention upon the complaints of the subject. In his tours throughout the provinces, and even in his daily walks and rides, this nobleman receives every petition from the meanest native, and has thus

given a more oriental character to the duties of his station. Unquestionably this is attended with little direct benefit to the aggrieved party, as it is impossible for an individual, in the exalted station of Governor general, to afford time for the minute investigation of those complaints, which generally refer to suits pending in the courts, in the proceedings of which he cannot interfere with propriety. All that can be done is to refer them to the court within whose jurisdiction the party resides, with instructions to inquire into the truth of the allegations contained. But even this is beneficial, inasmuch as it bespeaks a wish to do justice; and the very knowledge that such an appeal is open to all, most practically operates in checking oppression. The account which is here given of the oppressive conduct of the native officers of government may appear exaggerated; but that it is founded on fact, can be sufficiently proved by the evidence of others practically acquainted with our judicial system. Thus Mr. Tytler, an experienced magistrate, states, in his work on the state of India, in reference to the conduct of European judges and magistrates,—“They must trust much to their native officers, and of these, I will venture to assert, that there is not in Bengal one man proof against a bribe. The dacoits and robbers, while they have booty, are sufficiently safe, and we have those only sent in who have ceased to pay for their freedom. The wealth of a dacoit generally increases in the direct ratio of the number of his crimes; and thus the greatest criminals are allowed by the darogahs to escape, and these Jonathan Wilds only send in the lesser offenders. The darogahs either suffer the criminals to escape, without having gone through the form of apprehending them, or they apprehend them, extort what they can from them, and then let them go. There is also a great chance that the darogah shall never hear of their crimes. Many of these good people trouble themselves very little about the state of the police, living well, and making their fortunes by selling their power and influence to the amesudars.” Such are the evils which exist under the present judicial arrangements, and which counteract the benefit which would otherwise arise from a more enlightened administration of justice. With a knowledge of the general rapacity and venality of their native officers and the misery which is caused by their exactions, surely some more active measures ought to be adopted by the government, with a view to remedy these disorders.

Considering that a darogah possesses such extensive power and influence, it is obvious that he ought to be a well-educated person; but this is rare amongst these men at present, and sufficiently accounts for their proneness to corruption. It would be easy for government to remedy this, by forming an institution for the purpose of educating individuals to fill these appointments. The pupils of this seminary might be employed in subordinate duties at first, the zealous performance of which would ensure their promotion to the more important station of darogah. To remove every excuse for corruption, higher salaries ought to be given. Where this is to be combined with a retiring pension, to be granted after a meritorious course of service, it might operate a beneficial change in their conduct. At present these men are selected at pleasure from the mass of the people by the magistrates, and are placed in situations where it is altogether impossible for them to live upon their income, and where no hope exists of their obtaining a better appointment, or any reward for a conscientious discharge of their duty. In such circumstances, it is surprising that they should be dishonest. By establishing a regular gradation of ranks, and holding forth a prospect of advancement to those who distinguished themselves by superior energy and probity in the discharge of their duty, a visible improvement might fairly be expected in their conduct. At present, when their salary is so small, and no provision made for retirement, it is evidently their interest to be corrupt; if detected, they can lose but little. Mr. Tytler seems to suppose, that this would be attended with no beneficial effect: he says,—“It is a bad plan that the salaries of the darogahs should be increased with the intention of making them honest. No salary that the Company could afford to give would bear any proportion to the immense sums that these men make by corruption. It is true, that, had they a larger salary, they could not plead, in excuse for their corruption, that they had not wherewithal to live upon. But this argument only holds good with honest men; and I would venture to say, that no honest man knowing what the situation of a darogah is, would venture to accept of it.”—Vol. II. p. 300. This reasoning may be correct if the whole of the natives of India are corrupt; but, if a certain portion of moral virtue and common honesty exists in this, as in every other community, in proportion to its civilization, it appears to me inconclusive, inasmuch as the small salary given will fail in engaging men of character in the service of the state. The force of public opinion operates every where. In the bosom of Asiatic society, no man will accept an employment in which he may acquire wealth, but the acquisition of which exposes him to the hatred of his fellow creatures, who can obtain a moderate but honourable subsistence in a station which ensures him the respect of mankind. At present I have understood there are few individuals of respectability who will accept of this employment; and I have met with one or two natives who had refused it from an abhorrence of the foul practices to which it

* See Considerations on India vol. II. p. 24-25.

NEW WORK ON INDIA.

—361—

would compel them to resort. Why are such high salaries given to the civil servant of the Honourable Company, but to attract a certain portion of probity, talent, and respectability into their service, and to secure them from temptation by affording them a liberal subsistence? If this policy is successful, which can scarcely be doubted by those who have witnessed its effects in India, the inference is obvious, that, as far as the state of our finances will admit of, it ought to be applied to the native branch of the service. If the present officers are so corrupt as is represented, any increase of their salary may be thrown away: but the service may be reformed by introducing men of character upon higher salaries, and measures may be taken for their better education. This venality is not confined to those who are beyond the personal control of the European magistrate, but exists in as great a degree in the very centre of his court. Thus Mr. Tytler states, that when a criminal is put upon his trial, every engine of corruption is put in motion:—"The amshah, or court-officers around the magistrate, inquire whether the criminal can pay in his own person, or whether it is worth the while of the sumoondar to pay for him. If by either way they can gain, then witnesses are kept back; the proceedings are garbled; trial delayed in some cases, in others hurried on."—Vol. II. p. 56. But the evil which arises from the demoralized character of these men, is perhaps infinitely greater in all civil causes, where the sumoondars and ryots are parties. The extensive power and influence which the landed proprietors possess, is too often perverted to the oppression of the peasantry, and their wealth employed to secure impunity to those unjust proceedings. Thus the corruption of the native law-officers, and the expense and delay of the proceedings in a civil action, afford them every facility for accomplishing. Under the present system, the sumoondar or landed proprietor is allowed to let his lands in whatever manner he pleases; the obligation to grant a lease is no longer insisted upon by the government. Their exactions are generally exercised by demanding more from the ryots than the sum originally stipulated in their verbal agreements, and by dispossessing them of their lands whenever they find it their interest to let them to other tenants who offer more for them. In the present state of society, there are some individuals who possess a few bighahs of ground, which are held on a different tenure from the generality of landed property, being granted for the support of pious individuals, and are exempted from the payment of rent. If a wealthy native purchases an estate which is burthened with many of these grants, he finds it too much his interest to resume them; and, to defend this injustice, by contending that the grant is fictitious. To obtain redress for this cruelty, the oppressed villager is compelled to quit his family, and to institute a suit in the district court, at perhaps 50 or 60 miles distance from his home.—Here, after enduring the agony of delay for months, his suit is brought to a hearing; but, unfortunately for him, the wealth of his oppressor enables him to corrupt the native law-officers, and judgment is given against him. Thus beggared and oppressed under the sacred name of law and justice, the wretched suitor is compelled to return to his home, brooding over his wrongs, and cursing in his heart those institutions which were destined to protect him in his rights. That this statement is not exaggerated, must be evident to all who have ever inquired into the nature of these suits.

Some knowledge of the exactions of the sumoondars is unavoidably gained by every military officer. By a late regulation of government, every scoundrel who wishes to institute a suit in a civil court, is directed to state the nature of it to the officer commanding his company, who forwards it to the European judge. This arrangement is made with a view to benefit the scoundrel in the trial of his cause, which is directed to be placed first on the file. These soldiers are generally the sons of cut-throats; and, as they often hold lands in their own name, which are rented from the sumoondars, they are familiarly acquainted with their exactions. But any information which is derived from this source must be inferior in value to that of Mr. Tytler's. From his statements it must be evident that it is almost impossible for the ryot to obtain justice in a cause where the wealthy sumoondar is the defendant. Thus he says:—"The country now belongs to the sumoondars or landholders; their influence is consequently greater than that of any other body; it is their interest that we should remain in ignorance of the miserable state of their ryots. All the information we receive is through them, or the corrupt officers of our courts, who are, to a man, in the pay of the sumoondars."—Vol. II. p. 324. But the evil appears infinitely greater when we are told that these sumoondars are the principal law-officers in the civil courts, who award a decision in civil as well as criminal causes, and this in cases where they are parties with their tenants. Thus, the same author states:—

"Would it not be thought impolitic and extraordinary, if the judges and officers of our courts in England (for molvies and pundits are judges), being composed of the landed proprietors in each county, were to sit there to try the complaints brought against themselves by their own tenants; yet this is the case in most sikkahs in Bengal. From the molvies and pundits down to the lowest writers in the court, all the officers are possessed of landed estates in the district—many of them openly, and others under fictitious names."—Vol. I. p. 367. Is it suitable to the national character that this unnatural state of things should endure—that these institutions, which were destined to punish the oppressor, should become the principal instrument of his triumph; and that jus-

tice should be administered by those who shamefully violate its sanction? Whilst this profligate disregard of principle exists in the character of those who dispense the law, is it surprising that the people of India should generally entertain the opinion that the wealthiest litigant is certain of carrying his cause in our courts? Unquestionably this order of things ought to be reversed: the European judge should exert that efficient influence in the decision of causes which his moral and intellectual superiority enables him to exercise beneficially; and the native law-officer should only perform the less important function of aiding him by his advice. The suggestion of Mr. Tytler, that no officer possessed of landed property in the district should be allowed to serve in the court of the judge and magistrate, could easily be adopted in practice. In exposing the evils which arise from their possessing landed property in the district, this author states:—"Innumerable are the instances which a circuit into the interior of his district will afford to the magistrate of discovering the knavery of his officers. He will find the paltry mohur (or writer) of his court, the man who walks to his hatchery, attended by no one, or by a shabby little boy, and himself clothed in rags, possessed, notwithstanding, of large property in land, of great and powerful establishments of servants, who are necessary to maintain, in the most all, the terrible majesty of the Company's servant. They will find this man more revered, or rather more dreaded, than the magistrate or the judge. This is no small evil. It is, on the contrary, one great cause of the weakness of our Indian courts, and calls for immediate redress."—Vol. I. p. 300.

The defect of the present arrangements appears to be that the decision of causes is left principally to natives. It may be urged that this is rectified in practice by the power which is intrusted to the European judge of approving or disapproving of the proceeding. It may be so; but, according to the letter of the regulations, it does not appear that he has the power of setting aside their decisions; and in these circumstances an indulgent man will generally acquiesce in their opinion. Were he made personally responsible, he would take a greater interest in the proceedings; and the corruption of the law-officers would be somewhat diminished. In the existing state of society, the belief that every thing is to be gained by corrupting these men, is so firmly rooted in the minds of the people, that it must be the work of time to eradicate it. In India the administration of justice under the native rulers was so venal, that it was always customary with the wealthy suitors to propitiate the judge with a present. This, of course, accounts for the practice of the present day. Aware of the extensive influence which the native law-officers possess under the existing arrangements, their favour is gained by the same means. It is not fair to state, that I have understood that there are many judges who pay very little attention to the theory of the regulations, and determine the principal causes in their courts without regard to the opinions of their law-officers. But, even in these districts, a great deal of corruption prevails. If the European judge investigates every case, and decides equitably, it is easy for the law-officers to guess in what manner he will determine a cause. With this knowledge they make no scruple to take money from the suitor who is likely to win his cause; and if he gains it they take all the merit to themselves. If the suitor discovers that he has been imposed on, it is his interest to remain silent, from the dread of punishment for offering a bribe. Whilst this general corruption exists, it is evident that no great improvement can be expected in the administration of civil justice, until the number of European judges is increased, or until the general tone of morality throughout the country is elevated by the introduction of a better system of religion and education, which must necessarily improve the character of these officers. In regard to criminal justice, many civil servants are of opinion that the authority which the sumoondars formerly exercised in regulating the police, ought to be restored to them; and certainly they appear less likely to abuse the extensive power which this confers, than the darogahs, who possess no stake or hereditary influence in the country, and consider this office was only given them for the purpose of enriching themselves. It may fairly be presumed that an extensive land proprietor entertains some regard for his peasantry; and that his conduct, however oppressive, is restrained by some respect for public opinion. In aid of the extensive duties of the magistrate of a district under the present system, perhaps some assistance might be derived from the few indigo planters, and other Europeans scattered throughout our dominions. If their services were voluntarily offered, there seems no good reason against their being accepted. As every civil station a gentleman of the medical service is attached, who has very little employment; by some trifling addition to his salary his services might be rendered available to the general police of the country. In the deplorable deficiency of civil functionaries, it appears to me that important services could be rendered by the military—that, wherever a division is stationed, the commanding officer, or some intelligent person selected by him, might be intrusted with the active duties of the magistrate, in apprehending delinquents. These individuals should exercise a final jurisdiction in petty crimes, and possess the power of inflicting punishment. All criminals committed for capital crimes, or offences of magnitude, could be delivered over to the civil magistrate for trial. At present the jurisdiction of an officer commanding a station is confined to his cantonment; but the advantages which have resulted from the summary

process before a military tribunal, are so great, that it would be advantageous if it could be extended further. Indeed, it has always struck me that the innovation was too rapid which transferred the power of punishing criminal offences from the military to the civil power. Under the Mahomedan government the fowdar, or officer commanding the troops, exercised an extensive jurisdiction in criminal offences, subject to the Nazim; and, in a despotic state of society, his authority was exerted with a vigour and celerity well calculated to repress crime. Under a more enlightened government, it is perhaps better that the trial of capital crimes (where the circumstances will admit of delay), and the decision of civil causes should be determined by a separate order of men, who are skilled in weighing evidence and balancing probabilities. But, had the ordinary administration of criminal justice rested with the military power, there can be little doubt that the energy of its exercise would have effectually restrained those daring bands of robbers, who infested the provinces of Bengal in the years 1810-11-12, and for the repression of whom the ordinary police was found altogether inefficient.

Such are the glaring defects in the administration of civil and criminal justice in India. But, admitting that they do exist, it would be altogether unfair to condemn them, without taking into consideration the benefits which have resulted from their institution. It is necessary to set the good against the evil before striking the balance, which would determine the value of these arrangements. But this equitable mode of conduct does not appear to have been followed by that philosophic writer, Mr. Mill, in his chapter on this subject; and certainly not a whit more by his able reviewer in the *Edinburgh Review*. Every thing which can be said against these institutions is powerfully stated, but scarcely a single observation in their favour. They lay claim to superior impartiality, and assert an exemption from those prejudices which bias the Anglo-Indian in forming his opinions; yet, with all these advantages, it is surprising that their statements are merely *ex-parte*. This exemption from prejudice does not appear to me to exist in as great a degree as these writers suppose. The mental habits of the philosopher are nearly as fertile a source of error as those of the man of action. He is too apt to form a high standard of political perfection, by which he tries all human institutions; and if they fall short, he is too much in the habit of condemning them, without regard to the utility which they produce. If circumstances enable him to exercise political power, he applies abstract political principles to the existing state of society, which the public are not prepared to receive, and invests the community with privileges, which, from their previous ignorance, they are altogether unqualified for exercising beneficially. By this conduct he produces infinitely greater disorders in society than those which he has adventured to remedy. It would be unfair to apply the latter part of these observations to these writers, but they appear to me liable in some degree to the former. The task of vindicating the judicial arrangements which have been adopted in India, must be left to those who are intimately acquainted with their merits and defects. Unquestionably, some information is required from them, which may counteract the effect of these statements. Until this is given, it will be quite sufficient for me to state a few facts, which may induce an inquirer to pause before he adopts the opinions of either Mr. Mill or his reviewer. It is manifestly unjust to estimate the value of these judicial arrangements by any abstract theory of perfection. The fair standard by which they ought to be tried is, as compared with those of a country in a similar state of civilization; and, in estimating their utility, the most important consideration is to inquire,—Whether they are better or worse than those which they have supplanted? It is difficult to find a community similarly situated, with the judicial institutions, of which a fair parallel might be established. In default of this the inquirer is necessitated to compare the system of civil and criminal justice established in India, with the more refined jurisprudence of his own country. On doing so, he will find that many of the defects of our system of law in India are equally to be met with in the administration of civil and criminal justice in England; and that in some respects the former has attained to a greater state of perfection. The perusal of Mr. Mill's chapter on this subject produces the impression that the British administration of justice in the East has been productive of infinite misery and distress to the inhabitants of these regions; and that it would have been better for them had they remained under the control of their former rulers. Admitting the existence of the evils which he exposes with such ability, I am rather inclined to think that our administration of justice has been attended with some benefit to the natives; and will endeavour to show the reasons for this opinion. As a preliminary to this, the first step is to consider the nature of the system which it has superseded. That some salutary practices existed under the Mahomedan administration of justice has been already shown; but the benefit arising from them was counteracted by others of a very pernicious tendency. Under this system of law, the punishments which were inflicted on offenders were cruel in the extreme, and could not be tolerated by a refined people. The sanguinary law of retaliation, the execrable practice of maiming, the mutilation of limbs, and severe bastinadoes, which were sanctioned by this code, have been altogether abolished. The atrocious practice of exacting confession by torture no longer exists. The flagellations which are

authorized by this law, are, however, still retained as a means of punishment. Even now, the *karah*, or leather scourge, which is used in our jails, is a dreadfully severe weapon. In the only instance that I have witnessed it inflicted, which was but twice, the breasts, and a considerable part of the back of the offender were covered with a leather jacket, to protect his body from the stripes, which plainly demonstrates that a milder weapon ought to be employed. If this punishment is still to be retained, it is obvious that a scourge similar to that which is used in the army should be employed, which will inflict a milder but certain punishment, without endangering the life of the offender, or revolting the feelings of the spectator in an equal degree. But it is to be hoped that this, with the other barbarities of the Mahomedan code, may gradually disappear. The cruelties of their former rulers are visible at the present day. In the province of Oude, I have seen on the highway small perpendicular buildings just sufficient to contain the body of a man, in which notorious criminals were immured, who were then doomed to perish by the most dreadful of all deaths. Under the Mahomedan code of law, circumstantial evidence was never admitted. It was necessary that the crime should be substantiated by at least two eye-witnesses, and these Mahomedans. When it is recollected, that the Mussulmen formed only a tenth part of the population, and these, too, the ruling class, it must be apparent that this iniquitous rule of evidence could only serve to secure impunity to these Mahomedans who cruelly murdered their fellow creatures of the Hindoo faith. By regarding the evidence of either, as equal in our courts, an important service was rendered to the bulk of our population. In their criminal courts, the punishments which were awarded for many offences, consisted in fines, which became the perquisites of the judge. Human nature is too weak to allow that such a power should be intrusted to any man. The great defect of our administration of justice appears to be, that the influence of superior probity and character in the judges and magistrates rarely extends beyond the centre of their districts, and that thus its beneficial operation is prodigiously limited. But the same evil existed under the Mahomedan system in an equal degree. The supreme court of criminal jurisdiction in each province did not extend its direct control beyond the capital; in the villages, the dispensation of justice was intrusted to the principal *saukendar*. In the administration of civil justice, the proceedings were glaringly irregular. The judge determined at his pleasure in what order the causes were to be heard and decided. The early institution of a suit established no claim to precedence. In the provincial courts, the law-officers were not fixed by regulation, which left the ignorant suitor too much exposed to their exactions. The arbitrary power which the judge possessed in determining the trial, proved a fertile source of corruption. By making him a suitable present, a wealthy and dishonest litigant was enabled to expedite or protract the decision of his cause at his pleasure. But, independent of this disgraceful venality, the expense of a suit was prodigiously augmented by the large share of the property or money litigated which was taken by the government. This is powerfully stated by that eminent author, Mr. Orme, who says,—“This is so avowed a practice, that if a stranger should inquire how much it would cost him to recover a just debt from a creditor who evaded payment, he would every where receive the same answer.—‘The government will keep one-fourth, and give you the rest. Still forms of justice subsist; witnesses are heard, but browbeaten and removed; proofs of writing produced, but deemed forgeries and rejected until the way is cleared for a decision, which becomes totally or partially favourable, in proportion to the methods which have been used to render it such; but still with same attention to the consequences of a judgment which would be of too flagrant iniquity not to produce universal detestation and resentment.’—*Government and People of Hindostan*, b. III. c. 5.

At the period of our taking the administration of justice into our own hands, it is generally understood that this custom prevailed; and that the greater part of this sum became the perquisites of the judges. Under this arrangement, it became manifestly the interest of the defendant in a civil cause, that he should propitiate his judge, by complimenting him with a larger sum than that which he would receive from the plaintiff, in the event of his gaining his suit. In the dread of this, the plaintiff might be expected to come forward handsomely. The result of this must be, that justice would be sold to the highest bidder. But the most glaring evil of this system of law consisted in its unjust partiality to Mahomedans. In causes where both the parties were Hindoos, they were allowed to determine it amongst themselves;—but, if one of the parties was a Mahomedan, the cause was determined according to the Musselman law.—Thus the cherished habits and prejudices of an ancient people were forced to yield to those of a small band of strangers, who had usurped dominion over them by violence. When we reflect on their devoted attachment to their customs and usages, it is evident that this marked injustice in the distribution of law must have been felt as an intolerable evil. Surely a mighty benefit was conferred upon the Hindoo community, by placing both parties upon an equality in this respect. The despotic nature of the Mahomedan government operated perniciously in the distribution of justice: the Nazim or governor of a province could, at any time remove a cause from the ordinary tribunals, and award a decision upon his own authority. Possessing such powerful influence, it was

easy from him to pervert it to the gratification of his own passions. Under the British rule the power of the Governor-General is only exercised in mitigating the severity of the laws. The arbitrary and despotic authority with which the Mahomedan rulers were invested, produced its usual effect—a general insecurity of rights and property. The spirit, in which the government was administered naturally communicated itself to the subordinate agents, who evinced, in their conduct, the same cruel disregard of the interest of others. Their rapacity and exactions were such, that all productive industry languished:—It is in vain to expect that a country will flourish where the fruits of their labour are torn from men by violence. The effects of this system of government, in its application to the lower orders of society, are powerfully illustrated by Mr. Orme. He states,—"The mechanic or artificer will work only to the measure of his necessities. He dreads to be distinguished. If he becomes too noted for having acquired a little more money than others of his craft, that will be taken from him. If conspicuous for the excellence of his skill, he is seized upon by some person in authority, and obliged to work for him night and day, on much harder terms than his usual labour required when at liberty."

There is indubitably much truth in this statement. Even at the present day, under the British government it is too much the practice to force the lower orders to labour by compulsion. Unquestionably this is discontinued by authority; but however enlightened the government may be, it cannot change the character of its agents in a day. At present the arbitrary spirit of despotism infects the whole body of the people, public functionaries, or otherwise. In private life, if a European gentleman in the civil or military service wants any thing, nothing is more common than for his servants to say, "Give me a sepoy or a police-officer, and it will be brought instantly." If eight or ten sepoy march across the country, it is no unusual practice for them to seize upon the first individuals they meet upon the high way and to force them to carry their baggage to the end of the stage, without remuneration. The first time that I marched with troops, the bearers whom I had hired to carry my baggage ran away during the night, which gave me considerable uneasiness; but my anxiety was soon relieved by the sepoy whom I commanded in the rear guard, who told me that they had brought fresh men. In India, troops generally march during the night; when the morning dawned I observed these volunteers staggering under their burdens, and altogether unequal to the task they had undertaken. This excited my curiosity; upon inquiry I found that they were a motley group of weavers, cultivators, and others, who had been torn from their homes in the dead of the night by my soldiers, for the purpose of carrying baggage. This grievous oppression is prohibited; but, where small parties of troops march across the country without European officers, it is difficult to restrain their conduct. The tyrannical exercise of power by those around him, inseparably influences the conduct of the more enlightened European.—Viewing these things habitually, he is apt to regard them with less emotion than they ought to excite. A striking view of the oppressive conduct of the Mahomedan government, as practised in his time, is given by Mr. Orme, who says,—"Imitation has conveyed the unhappy system of oppression which prevails in the government, of Hindostan throughout all ranks of the people, from the highest even to the lowest subject of the empire. Every head of a village calls his habitation the *darbar*, and plunders of their meal and roots the wretches of his precinct; from him the *zamindar* extorts the small pittance of silver which his pious tyranny has scraped together; the *faujdar* seizes upon the greatest share of the *zamindar's* collections, and then secures the favour of his nabob by voluntary contributions, which leave him not possessed of the half of his rapines and exactions. The nabob fixes his rapacious eye on every portion of wealth which appears in his province, and never fails to carry off part of it; by large deductions from these acquisitions, he purchases security from his superiors, or maintains it against them at the expense of a war."—*Government of Hindostan, Book III, Chap. 9.* This statement appears to me prodigiously exaggerated; but whoever has witnessed the direct effects of Asiatic misgovernment in the subsidiary states, where the British administration of justice has not been introduced, must acknowledge that there exists some foundation for it. Thus, it is apparent, that the Mahomedan administration of law was still more defective than that of the British, and that the corruption and venality which prevail at present existed in a much greater degree under their former government. The transfer of power from a semi-barbarous to a civilized race has been attended with this advantage to the Hindus, that it has secured them a more honest and incorruptible body of rulers.* Un-

questionably the superior knowledge which the Mahomedan princes possessed of the native character enabled them more easily to detect and punish the oppression of their agents; but it is notorious that they rarely exercised this power for the benefit of the subject, by refunding the spoil, and that their paternal care for their people was generally evinced by stripping the oppressor and appropriating his wealth to themselves.

It now remains to show, that the defects which pervade the judicial arrangements of Bengal, are in some degree to be found in the administration of civil and criminal justice in England. The disgraceful corruption of the police in India, which operates so perniciously in preventing the punishment of offenders, does not exist in any great degree in England; but if the expense of a criminal process is such that it deters individuals from prosecuting, it is obvious that society is equally injured, and that crime must remain unpunished. I have understood that the expense of prosecuting an individual who is suspected of theft is not less than £20. This may be true or false; but the fact is undeniable, that societies are formed in different countries for the purpose of prosecuting felons, and that notorious criminals are often let loose upon society, from the inability of individuals to prosecute. In this respect, the administration of criminal justice in India is much superior: no expense is incurred by prosecuting a criminal, and an allowance for their subsistence is granted to prosecutors and witnesses during their attendance on the trial. The multiplicity of capital punishments which deform the criminal law of England, and which insure impunity to the offender, by the reluctance of a humane jury to condemn a fellow-creature to death for the commission of a trifling offence, does not exist in the Indian code. The punishments are more nicely adapted to the crime, and generally consist of imprisonment, with or without hard labour. The end of all punishment, the example to the community, is much better attained in India than in England, by compelling the criminal to work on the public highway heavily ironed, and exposed to the gaze of all the people. In England the criminal is withdrawn from public observation, and thus the salutary effect of punishment is diminished. The punishment of death is rarely denounced by the Indian code; but, when an individual is sentenced to it, it is generally inflicted. The certainty of its infliction when condemned, must operate powerfully in deterring from crime. In England, capital punishments are denounced for the most trifling offences; but, of twelve individuals condemned to death, not more than one is executed. In the year 1818, of 1354 criminals condemned to death, only 97 were executed. This uncertainty of the punishment can only operate in securing impunity to offenders, and renders a lottery of that which ought to be fixed and certain. The severity of the punishment deters humane individuals from prosecuting. The general state of the jails, and regulations for the comfort of the prisoners, appear to me far superior to that of similar establishments in England. In India, separate apartments are ordered for those under sentence,—those sentenced to imprisonment by the court of circuit,—those committed to take their trial before the circuit,—and those sentenced for petty offences by the magistrates. In England according to Mr. Buxton's statements, in half the jails of the kingdom there is no classification of the prisoners according to their offences. The suspected and the guilty,—the innocent man who is falsely accused, and the miscreant whose character is stained with the commission of every crime,—the young and the old offender,—are all crowded together within the same narrow apartment. As Mr. Buxton feelingly and impressively expresses it:—"The moment he enters prison, frogs are hammered on to him; then he is cast into the midst of a compound of all that is disgusting and depraved. At night he is locked up in a narrow cell, with perhaps half a dozen of the worst thieves in London, or as many vagrants, whose rags are alive and in actual motion with vermin; he may find himself in bed, and in bodily contact between a robber and a murderer; or between a man with a fool disorder on one hand, and one with an infectious disease on the other. He may spend his days deprived of free air and wholesome exercise. He may be prohibited from following the handicraft on which the subsistence of his family depends. He may be half starved for want of food, and clothing, and tools."—*Page 15.* In India, this dreadful state of misery and suffering does not exist. The jails are large, comfortable, and airy; the light of the sun can shine through, and gladden the heart of the wretched prisoner; and the greatest cleanliness is preserved by the facilities which are afforded for performing their ablutions. In general, no restraint is imposed beyond what is necessary to secure suspected persons. The building is generally surrounded by a high wall, along which sentinels are placed, who render all escape impossible. Within this enclosure there is a large piece of ground covered with grass, on which the prisoners who are not condemned to hard labour are to be seen walking about, and only fettered by a slight iron. In the centre of the enclosure there is a large tank, which affords them abundance of water for their ablutions and culinary

* That eminent legislator, Sir James Mackintosh, entertains different opinions from the generality of European writers respecting the benefits which the people of Asia have derived from the introduction of our authority,—if any judgment can be formed from the charge which he delivered at Bombay in November 1804. At this time famine raged throughout the territories of that presidency. He states that the British government had saved the lives of 100,000 persons, by importing £20,000 worth of rice, and by instituting a hospital into which individuals were admitted from the native territories. The benevolence of the government was not confined to the inhabitants of our own territory: the subjects of the Marhattah and other estates flocked into Bombay and were fed and cured at the British Expense. For nearly a twelve month

the average of these individuals was about 12,000 monthly. Under the native government, Sir James calculates that about an eight of the population would have perished. The exertions of the Bengal government were equally praiseworthy in its endeavours to alleviate the misery which resulted from the epidemic malady which ravaged its territory in the years 1817-18.

purposes. A daily allowance, sufficiently ample for his subsistence, is made to every prisoner, and a blanket provided for him. To every jail an hospital is attached, with a European surgeon, to which the sick are instantly removed. During the day the greater part of the prisoners enjoy wholesome air and exercise, and are only locked up at night. Generally speaking, I believe, unsentenced prisoners are rarely fettered; but this in a great measure must depend on the magistrate. These remarks are made from actual observation, and principally refer to Alipore jail, over which I have often been on duty with a company of seapoys. By a singular arrangement, the efficient management of the jail is intrusted to the prisoners, under the superintendence of a few police officers. An active intelligent individual is selected from each ward, and employed in its management. According to Mr. Tytler, he is intrusted with the power of distributing their subsistence-money to the prisoners—is held responsible for the cleanliness of the ward—settles their disputes—and, in many jails, keeps the keys of the ward. By this admirable arrangement, a powerful incitement is held forth to good conduct in the prisoners; and a considerable expense is saved to the state by their employment. The fact itself, and its success in practice, is strikingly characteristic of that marked fidelity to their trust, where confidence is reposed, which advantageously distinguishes the Hindoo people. Upon his release from jail, every prisoner, who has been confined six months, is entitled to a sum of five rupees. In India, this will amply suffice for two months' subsistence, and, with economy, for three. By this liberal provision, one of the principal causes of crime is effectually cut off; and in this respect the judicial arrangements of India approach nearer to that perfection which philosophers demand, than those of England or any other European state. Whatever defects exist in the criminal code of British India are much more likely to be removed than similar imperfections in that of England. That profound admiration of antiquity—that powerful array of private interests, which oppose themselves to all innovation, and that spirit of party which identifies itself with the defence of all existing institutions,—cannot be expected to influence the minds of the members of the Indian governments in the slightest degree. The principal obstacle to improvement must be the expense. In regard to criminal law, it does not appear that the prejudices of the natives oppose any powerful resistance. The adoption of the Mahomedan criminal law, as the basis of the present code, and its application to the Madras territory, has been objected to by that distinguished author, Colonel Wilks, who appears to prefer the Hindoo criminal law. Unquestionably, the hasty introduction of this code, into countries where it was altogether unknown, must be regarded as a capital error in legislation. But, independent of this, it does not appear to me that there is any good reason for preferring the Hindoo to the Mahomedan law. From a cursory perusal of *Colebrooke's Digest of Hindoo Law and Menu's Institutes*, I should say, that the laws of the Hindoos are still more barbarous, inconsistent, and defective, than those of the Mahomedans. If the Hindoo law still prevailed in any considerable portion of the Madras territory, it was unwise to shock public opinion by the introduction of the Mahomedan code; any improvements could have been as easily ingrafted upon the one as the other. The idea of establishing one uniform code through out a vast empire, inhabited by nations different in language, manners, and religion, is only worthy of an arbitrary despot, or an abstract political philosopher. In this respect, these antipodes in opinion harmoniously agree in introducing their systems, without any regard to circumstances, or respect for the preëstablished opinions, prejudices, and usages of the people for whom they legislate. If we gradually improve upon the ancient system of law established in each province or presidency, it seems to me of very little consequence whether the Hindoo or the Mahomedan criminal law forms the basis of our code. The Mahomedan criminal law had prevailed for centuries throughout the greater part of our dominions; and this must be regarded as the substantial reason for adopting it as the basis of our code in Bengal. In all that regards the apprehension and trial of the criminals, its practice is nearly similar to that of the Hindoo, and even the British law. All the advantages of the latter system—publicity in the proceedings, and the open interrogation of the prosecutor and witnesses before the court—have either been introduced or existed prior to our time. The dreadful expense, delay, and uncertainty in the administration of civil justice in India, and the facility which it affords to the rich man to oppress the poor, are notorious; but it is equally true that nearly the same defects exist in the practice of the law in England. The multiplicity of its forms, its endless delays, and glorious uncertainty in the issue, are proverbial. The expense is so great, that a writer in the *Edinburgh Review* informs us:—"In England it is better, in a mere pecuniary point of view, to give up £10 than to contend for it in a court of common law. It costs that sum to win a cause; and, in the court of equity, it is better to abandon £200 or £1000 than to contend for it."—Number 61, p. 138.

The expense of a chancery suit, and the exactions in the shape of fees, far exceed any thing of the kind in India. Some idea of these is given by Mr. Bentham, in his profound work on *Reward and Punishment*, edited by Mr. Dumont.

Thus, if two individuals go to law about the settlement of an account, it is referred to a master of chancery for his decision. At the first sum-

mons before his tribunal, none of the lawyers appear. At the second summons the same. At the third they appear, and the affair puts itself in train. For every summons the fees are paid. The master in chancery does not allow above half an hour, or an hour at most, to each cause: when the hour strikes, the hearing is put off until another day. I give the original, as I believe there has been no translation of the work into English:—"Sous le grand chancelier, il se trouve des juges rapporteurs nommés maîtres en chancellerie. S'agit il de procéder à la liquidation d'un compte? voici la marche:—Les procureurs, de part et d'autre, doivent comparaitre par devant le maître. Première citation: il ne vient personne. Seconde citation: personne. A la troisième, ils comparoissent, et l'affaire se met en train. Mais, comme on n'accorde qu'une demi-heure, ou une heure tout au plus, et qu'on n'arrive pas au rendez-vous à point nommé, l'affaire n'est qu'entamée: l'heure sonne, et l'on se retire. A l'audience suivante, il faut recommencer. Tout cela est d'étiquette. Or, à chaque citation, les honoraires se renouvellent."—*Théorie des Peines et des Récompenses*, tome 3^e, p. 57. According to the same author, we learn that the judges, independent of their liberal salaries, derive some emolument from protracting the proceedings, and postponing the decision of a cause:—"Ainsi les grands juges, outre leurs amplex salaires, qu'il ne faut pas leur enlever, ont un profit casuel, qui se multiplie à proportion des incidents et des longueurs. Il y a des cas où un juge recolt à peu près quatre livres sterling pour une heure de retard de six mois les opérations de la justice."—*T. 3^e*, p. 56. This book was published as late as 1811; and no one will deny that Mr. Bentham is intimately acquainted with the practice of the English courts. The character of the English judges is above all suspicion, and excludes every idea of their perverting this power to the gratification of their own selfish purposes; but, in comparing the judicial arrangements of England with those of India, where the judge receives no emolument beyond his salary, it is apparent that the preference must be given, in this respect, to that system which removes every possibility of the interest of the judge being opposed to his duty. It will be urged, that the evil which arises from this expensive administration of justice in England, and the facility which it affords to the rich man of committing injustice, is counteracted by the powerful check which public opinion exercises against oppression, and the greater sympathy which exists between the different orders in society. This must be admitted in part; but, in practice, the most efficacious check appears to me to consist in the existence of a skilful, wealthy, and independent body of lawyers, who will undertake the cause of any poor man who has suffered oppression, provided there appears a fair chance of gaining his plea; and thereby remunerating themselves for their trouble. But this advantage is purchased with no small portion of evil. It is evidently the interest of these men to render the proceedings at law as expensive as possible; and to oppose all innovation which tends to simplify the practice, and to diminish the expense. Forming a powerful body which exercises great influence over public opinions, is it surprising that every beneficial change is warmly opposed? But, independent of this, how is it possible that any great improvement can be introduced in the practice, when a bill for this purpose, if it is not carried through by a member, costs not less than five hundred pounds? In India, these obstacles to improvement do not exist. That powerful array of private interests, which an organized body of lawyers oppose to innovation, is not yet formed. The profession is scarcely known, and altogether in an incipient state.

In regard to improvement, the government has only to attend to the opinions of its most enlightened servants in the judicial department. What has Mr. Mill, or any one else, stated against the present system, which has not been urged by Mr. Colebrooke, Sir Henry Strachey, or Mr. Tytler, and others? These gentlemen have unequivocally stated that the imposition of fees, and stamp duties, has had no tendency to diminish litigation. If so, why not repeal them? It is well known that these taxes were originally imposed with a view to check frivolous law-suits, and thus to enable the judge more easily to decide upon the diminished number of causes which were brought before him. If they have altogether failed in producing this effect, the remedy is obvious. The more especially, as it is known that they were instituted with no direct view of producing revenue to the state, there can exist no good reason for their continuance. By this means, the principal objection which Mr. Mill has urged against the existing system would be effectually answered, which, no doubt, is all that gentlemen wish for. If doubts are entertained as to the inefficiency of law taxes, in diminishing litigation, it would be easy to determine it by experiment. All that is necessary, is to decree, that, within a certain number of districts, no fees or stamp duties should be imposed during the year. At the end of this period, by comparing the practice with that of former years, the result would show whether there had been any increase or diminution of law-suits. This may be a slow process of amendment, but better to do something than nothing. The just animadversions of Mr. Mill have not produced any improvement that I am aware of. In closing these observations, it may be deemed superfluous to state, that no intention exists of depreciating the general administration of law in England. Any reference to its acknowledged evils has merely been made with a view to show the unfair standard by which the judicial institutions of India have been tried.

ASIATIC DEPARTMENT.

— 365 —

Epigramme.

Hier on disputait sur le degré d'estime
Des différens Journaux qu'au Bengale on imprime :
Tout le monde vantait le CALCUTTA JOURNAL.
Mais du JOHN BULL l'éloge était moins général.
Il est, disaient plusieurs, souvent lourd et stupide
Et dans son meilleur jour sans esprit, insipide ?
Sans esprit !! s'écria d'une voix de Stentor
Quelqu'un qui jusques là n'avait rien dit encor !
Le JOHN BULL sans esprit !! eh Messieurs au contraire,
Il en a quatre au moins : c'est la son caractère
Quatre esprits très distincts : suivant son Editeur,
Il est *plut*, ou *ser vile*, — *enieux*, ou *menteur* !!

Burping Ground.

SIR, To the Editor of the Journal.

As your daily paper is so universally perused, in this elegant improving city, my mentioning to you a nuisance, or at least, what should not be permitted to be made adjoining the Circular Road, may catch the eye of some of the Gentlemen who compose the Committee for the Improvement of Calcutta, and thereby prevent the intended Burying Ground from being consecrated to that purpose adjoining the Anabaptist Chapel to the great annoyance of the Inhabitants near to that spot.

Chowringhee, Jan. 24, 1823. PRO BONO PUBLICO, Senior.

Soda Water.

To the Editor of the Journal.

Pray, Sir, will you allow me, through the medium of your JOURNAL, to request from the Chemists in Calcutta, some account of a marvellous water brought into notice by Messrs. Toulmin and Co. in the CALCUTTA EXCHANGE GAZETTE and advertised under the heading of "Poisonous Soda Water." It is described as consisting of a "pure ALKALINE solution containing an excess of Carbonic acid." Now as doubts present themselves to my mind with regard to the possibility of such a beverage existing, either naturally or artificially, I beg leave to call the attention of your Correspondents to this singular water, and the eminent chemical knowledge of its preparers.

Barrae Apore, Jan. 22, 1823. A CHEMICAL TYRO.

Voices of Preachers.

'Tis strange how some men's tempers suit,
(Like hawd and brandy) with dispute—
That for their own opinions stand fast,
Only to have them claw'd and convass'd.—HUDIBRAS.

SIR, To the Editor of the Journal.

I cannot help adding my evidence to that of your Correspondent, A LOVER OF GOOD SENSE, as to the error in which A LOVER OF RELIGIOUS SIMPLICITY has fallen, in respect to the delivering out of the Hymns in the Union Chapel, which, I must say, if critically examined, has very much the appearance of affectedness, but is not the case, as I can very well assure you, it is a way they are accustomed to. I also cannot help noticing that your Correspondent, A LOVER OF GOOD SENSE, though he has chosen a very good name, does not show very good sense, in saying that, "whether a Preacher has a good or bad voice it cannot affect the public," for I can assure him it does; for instance, suppose the Preacher has a very low voice, or has got a habit of stuttering, which is often the case, the persons sitting at the farthest end of the Chapel, must surely go to sleep, or be in pain for him all the time the service last, if they are not seasonably awakened from a dream of ghosts and hobgoblins, or relieved by the frequent introduction of "awake ye sleepers." &c.

Dallagunga, Jan. 24, 1823.

ALEXANDER.

Simplicity at Worship.

To the Editor of the Journal.

SIR,

A bad advocate is worse by far than none at all; and an upholder of that which is clearly wrong, can be regarded in no other light than an accomplice in the evil.

"A LOVER OF GOOD SENSE," opposed to "A LOVER OF CHRISTIAN SIMPLICITY," would seem to betray a serious lack of that which he declares to love.

In palliation of the evil complained of in my letter of the 20th instant, he insinuates that "I am guilty of the same fault I complain of in others." Granted; solely for the sake of argument. I would ask him, then, whether vanity is the pulpit be right, because the same quality prevails out of it; and also whether vanity in giving out hymns for the ear of a worshipping congregation be a virtue, because the same passion exists in the mind of another who appears in the columns of a Newspaper. That a portion of vanity, in a greater or less degree, does enter into the composition of every man; be he sinner or saint, none can deny; but surely this cannot justify the glaring introduction of that passion into the worship of God. This cannot warrant the adoption of a system of vanity in religious exercises. I say system; for that which is so often repeated without censure or reprobation, must, in the very nature of things, terminate in all the stubbornness peculiar to a system. The best proof of this, too, is to be found in the letter of your Correspondent now animadverted upon; for, so far from relinquishing his hold of vanity, strengthened by time, he appears to cling to it with a firm hand; and even apologizes for it by saying, "you are vain; therefore I will be so too." But I thought, as I before observed, that vanity and affectation were qualities the least suited, of all others, to a place of Christian worship, where it behoves us to imitate the example of Abraham, who on another occasion said, "Stay thou here, while I worship the Lord yonder."

Your Correspondent, in farther extenuation of the evil complained of, says, "I am fully assured that the modulation of the voice complained of was no other than the person who gave out the hymns is naturally accustomed to." To this I answer no; not so. The person who officiated in this work last Sabbath evening is not a preacher, as your Correspondent would have us think, but one whose duty apparently consists in giving out the hymns from the lower desk. He arrived in this country, if I mistake not, about three years ago; and, if my eyes and ears do not deceive me, he then wore a simple garb, and, if called to the duty, gave out the hymns in a simple manner; so that simplicity shone in the whole of his character. With the putting off, however, of the old garb, he has put on another; and a similar change seems to have passed on to "the modulation of his voice," which, if my hearing be sound, is very different from what it was three years ago. This was observed to me by some persons, who deprecated the evil; but we were at a loss as to a suitable remedy, until the public spirited character of the CALCUTTA JOURNAL suggested to my mind the method which I adopted, and, as it would seem, without producing the desired effect.

Your Correspondent talks of Preachers, though I mentioned nothing about them. Excuse my vulgarity for once, "He has let the cat out of the bag." Is he a Preacher, then? Let me warn him, at the peril of his conscience, not to encourage the evil complained of in others, nor to cherish it in himself; lest he should lend the contribution of his example to the force of a well-known truth, "That preachers are the first to preach to others, but the last to practise what they preach."

I am, Sir, your obedient Servant,

Jan. 24, 1823. A LOVER OF CHRISTIAN SIMPLICITY.

Birth.

On the 24th instant, the Lady of JAMES BATHGATE, Esq. Surgeon, of a Son.

Supreme Court.

CALCUTTA, SATURDAY, JANUARY 25, 1823.

MODOSUDUN SANDAL, v. SURUB CHUNDER SIKHAR CHOWDREY.

This was an action charging the defendants Surub Chunder Sirkar Chowdrey, and Ramono Sunderpudoo (which last did not appear,) with forging and uttering an instrument tending to defraud Modosudun Sandal of certain rents due to him by the defendants, who held lands belonging to the plaintiff, at Kishnagar, in the Zillah of Nuddea.

The action for debt had been brought into the Zilla Court some months ago, but the document purporting to be an acquittal on the part of the defendants appearing to the Judge (Mr. Clark) to be a forgery, it was given against them.

The Case was opened by Mr. Fergusson and Terton, the Advocate General pleading in behalf of the defendants. Sir FRANCIS MACNAUGHTEN, after the case had been opened, wished to know what interference this court could have with a transaction at Zilla Nuddea.

MR. FERGUSSON replied that he would make it appear that the instrument in question had at least been framed if not used in Calcutta.

The prosecution was then allowed to proceed, but in the course of evidence, some of the witnesses apparently having altered their opinions, the learned Council Mr. Fergusson in addressing his Lordship and the Gentlemen of the Jury, observed that it would be but detaining all parties to carry the prosecution any farther, for as his principal evidences did not appear he feared he would not be able to prove that the forgery had been committed within the Jurisdiction of Calcutta.

The Prisoners were accordingly discharged, and the Court adjourned.

Mr. Mack's Fifth Lecture.

On Tuesday evening Mr. Mack gave his Fifth Lecture on the subject of *Hydrogen* and *Nitrogen*, two of the simple acidifiable and inflammable substances.

Hydrogen may be obtained by pouring sulphuric acid diluted with water over iron or zinc filings—an effervescence will ensue occasioned by the decomposition of the water and disengagement of the hydrogen, which may be collected in the usual way; but this is impure; a better way is to pass the vapour of water through a red hot gun barrel. Hydrogen is slightly absorbed by water; it has no taste or smell when pure. It is the lightest body known, and denotes—first, in speaking of the specific gravity of the gases as well as in referring to the proportions in which bodies combine; balloons were at first filled with heated air, but afterwards hydrogen gas was used. Liquids of different specific gravities will remain upon each other without mixing, but when two gasses touch each other they immediately unite. Hydrogen gas is combustible. A lighted candle was applied to a jar full of gas: a slight detonation was caused, the candle was extinguished, but the gas continued to burn at the surface in contact with the air. When hydrogen and oxygen were burned they caused an explosion. The philosophical candle was shewn and explained. The hydrogen issuing from a small tube is inflamed. If a tube of 20 inches long be held over the flame a peculiar musical tone is produced, but this effect is not peculiar to hydrogen.

Writers in Chemistry differ in stating the specific gravity of hydrogen. Dr. Ure, one of the latest, makes it 0.0094 reckoning air as 1.

The flame of hydrogen is used for exciting intense heat; and when mixed with oxygen and burned as the mixture issues from a small jet, as in *Newman's Blow Pipe*, it excites a temperature nearly equal to that of the air of flame in the voltaic circuit. Here one of these condensing blow-pipes was exhibited, it was

explained to be a dangerous instrument: when the gases are used explosions are likely to happen, notwithstanding all the improvements and precaution of interposing wire gauze between them and the atmospheric air.—An inflammable Air Gun was also exhibited.

Hydrogen is instantly fatal to small animals, but it may be respired for a few seconds, if the lungs be not previously exhausted by a forced expiration. M. Mannoire of Geneva inspired it without perceiving any sensible effect from it; but after taking a very large dose, on attempting to speak, was astonished and alarmed at finding his voice had become soft, shrill, and even squeaking. M. Paul tried the experiment and experienced the same result.

Water.—When two volumes of hydrogen gas and one of oxygen gas are inflamed in a particular kind of vessel by the electric spark, the gases disappear and the interior of the vessel is covered with drops of pure water equal in weight to that of the gases consumed.

Water may be decomposed by passing its vapour through a red hot porcelain tube containing a coil of iron wire, the iron will be found to have increased in weight, and this weight added to that of the hydrogen will be equal to that of the water which has disappeared.

Spring and river water are unfit for chemical purposes, rain water is purer, but it always contains carbonic acid, besides traces of animal or vegetable matter, which cause it to putrify when long kept: a single distillation is not sufficient to purify it, and to have it perfectly pure, it must be re-distilled in silver vessels.

Pure water has no colour, taste, or smell. It is assumed as a standard to which the relative weight of other bodies may be compared: its specific gravity being called 1.000. At 40° Fahrenheit it is at its maximum of density, and at that temperature a cubic inch weighs 253.063 grains. Water can be compressed. It combines with many substances.—In crystals it is termed the water of crystallization. In other cases the compounds are called *hydrates* as with many of the metallic oxides. Water may be freed by boiling from the air which it has acquired from the atmosphere. It may be united to an excess of oxygen by means of peroxide of Barium, the oxygenated water is caustic and detonates when dropped on dry oxide of silver, &c.

Hydrogen and Chlorine when mixed in equal volumes and exposed to light form *muric acid gas*—if exposed to the direct solar rays, a detonation ensues. It may be procured by pouring sulphuric acid upon salt and receiving the gas over Mercury. Ice is quickly melted by it.

NITROGEN.—It is tasteless, inodorous, does not support combustion, and is fatal to animals. *Nitrous oxide* produces singular effects when respired, similar to intoxication. Atmospheric air is composed of oxygen and nitrogen gases. Nitrogen gas may be obtained by putting a mixture of sulphur iron filings and water in a cup and inverting a bell glass over it and letting it stand for a day, or it may be got by pouring nitric acid upon pieces of meat in a retort and applying heat.

Indisposition obliged Mr. Mack to shorten the Lecture.

Deaths.

On the 24th instant, universally and most deservedly regretted by all friends and acquaintance, who had the happiness of knowing her virtues, Mrs. ELIZABETH BARBOOT, aged 30 years and 1 month. She was a loving and affectionate Wife, a tender Mother, and a pious and truly good Christian. Her loss will be long and severely felt by a disconsolate Husband, Daughter, Friends, and Acquaintance. She was an example of strict morality worthy of imitation, and expired in full confidence of meeting the blessed reward promised through the Salvation of our Lord Jesus Christ.

The Lord gave and the Lord taketh away,
Blessed be the name of the Lord.

At Padang, on the 18th of July last, RICHARD WILLIAMSON HEN' ING, of the Country Service, leaving a disconsolate Widow and an Infant to lament his loss.

Revised Story of Plagiarisms.

Some exceedingly wise person, calling himself "A FRIEND TO BUCK," having fancied that he had made a new and grand discovery, in tracing some of the Vignettes of the *Travels in Palestine* to Le Bruyn, writes a Letter to the *JOHN BULL*, which the latter of course eagerly publishes, and the subject is introduced as one that had never before been broached, for the information and edification of the Indian Public! One would think, that both the Writer and Publisher of this Letter had been asleep for the last six months, not to have known that this point was among one of the earliest that had been discussed, in reply to the accusations of the *QUARTERLY REVIEW*. It cannot be very entertaining to our Readers to have old portions of the *JOURNAL* reprinted; but in this case, simply to show the blindness and folly of reviving this old charge and putting it forth as a new one, and to shew to what shifts the Correspondents of the *BULL* must be driven when they are forced to go back to the *QUARTERLY REVIEW* for materials against us, as well as their extreme ignorance of what has been said in reply to this very charge, or their utter want of fairness in keeping it entirely out of sight, we shall simply reprint what was published by us on the 14th of August last on this subject, as containing sufficient to satisfy all impartial minds.

The first paragraph from the *QUARTERLY REVIEW*, relating to the Vignette of an Arch at Geraza is as follows:—

"We cannot refrain from noticing, in passing, the audacious imposition attempted upon the reader, in referring him to 'the vignette at the head of the chapter,' as to a view of this triumphal arch (at Geraza). We have not ascertained from what obsolete work this pretended view is perloined; (it is not among Le Bruyn's, to whom we have traced almost all the others;) but we have only to confront the print with his own description, and the ground-plan gives, to be satisfied that Mr. Buckingham is not in possession of any sketch whatever, made on the spot, and of the impossibility of its having any resemblance. Over each of the 'side arches for foot passengers,' he says, was 'an open square window,' and that 'as all the columns were broken near their tops, the crowning capitals were not seen; and he adds, that 'the frieze was destroyed.' Upon turning to the vignette, we find two out of four of the 'crown ing capitals' (as he terms them) still in their places: there is nothing that the most ignorant could possibly describe as 'an open square window over the side arches; and the frieze is very entire!"

To this, the following reply was made in the *JOURNAL* of August 14, 1822.—and may be seen at page 615, of the *JOURNAL* of that date.

"Next comes the 'audacious imposition' as it is called of referring to a vignette at the head of the chapter, because it differs in two slight particulars from the printed description. The Reviewer, who had again already forgotten the expression of his surprise that such fine remains should exist of a place regarding which HISTORY HAD LEFT NO RECORD BEYOND A NAME, and which he knew had never been visited, described, or delineated, in any Book of Travels before the present, says of this sketch of a ruin in this unknown and unvisited city. 'We have not ascertained from what obsolete work this pretended view is perloined.' Certainly, no one but a Quarterly Reviewer, to whom inconsistency is of no consequence provided he can blacken his Author, could have talked at this rate, or supposed it possible that there was any obsolete work, which was not equally accessible to himself as to us, or that there was any work at all on a city of which the very name and existence was unknown up to the present period! 'It is not among Le Bruyn's' he continues 'to whom we have traced almost all the others.' No one but a person whose rage had blinded his recollection, would have thought of looking into Le Bruyn for any thing relating to a country in which he never set his foot: for all we agreed, even the Reviewer himself, that the Jordan was the boundary of all our knowledge of Judea until now;—that no European foot had trodden the countries East of it;—and that our very Maps were either blank or filled up from conjecture only.—The simple circumstance of a want of exact correspondence between the printed description and the vignette itself, would, in any honest mind, have been taken as conclusive evidence that the one was not wholly made up from the other; because, in such a case, no one but an idiot could have failed to make them exactly correspond. The truth is, that a hasty outline sketch of this arch was taken on the first passage through it, made with a pen on a blank leaf of a small memorandum book, and done in the hurry and stealth which almost every thing requiring the use of pen, ink, and paper enjoyed. Mr. Barker's Drawings—of which his companion always spoke

with the admiration they deserved—were of so superior a kind, that if copies of them had been given as they were promised, neither this nor any other of the rude sketches made by Mr. Buckingham on the spot would have been afterwards finished into vignettes for publication:—but not being able to obtain the promised Drawings in question, the next best thing was to make use of the materials within his reach, and accordingly some very masterly and accurate views of a French Artist, Casas, of various places on the West of the Jordan, as well as Original Drawings, made from Sketches taken with more care and leisure than they could be on the East of that stream, were sent home to be engraved for the larger plates;—but the delay that took place in the publication, and the probable decline of interest in the subject by such delay, induced the Booksellers, Messrs. Longman and Co. to omit all that Mr. Murray would have originally included, as tending to protract the publication in point of time, and add largely to its expense, confining themselves to the vignettes only, engraving these on wood instead of copper, and considering them only in the light in which they were intended, as merely appropriate embellishments, after all the more finished subjects had been necessarily excluded because of the time and cost it would have taken to get them properly engraved. The portion of the Manuscript Preface which related to these larger Drawings, has been omitted along with the subjects to which it referred; and the latter part of the paragraph only, relating to the vignettes, has been published. In the part omitted it was explicitly stated that the vignettes were among the least perfect of the subjects sent; but even in that which remains there is sufficient to shew that nothing like an attempt at imposition was made; for, after stating that many even of the vignettes were from original drawings made after sketches taken on the spot, it is added that "as this was the least expensive and humblest way of adding graphic illustrations of the text, appropriate subjects had been selected from other sources, but invariably with a view to the elucidations of scenery, costume, or manners, and the accurate representations of places spoken of in the body of the work." With respect to the Plates, there is but one among the whole that is not original, which is the plan of the ancient Jerusalem, a thing that must have been borrowed, if given at all, unless it is supposed that a Traveller could draw upon the spot in the present day, a plan of a city as it existed a few thousand years ago. But this is so distinctly stated in the Preface as to leave the Reviewer without excuse. It is mentioned in these words. "The plan of the ancient Jerusalem, from the best authorities, is that which usually accompanies the Works of Josephus, and it will illustrate better than any written description, the changes which have taken place in the site of this city." Of the vignettes, the whole of those on the East of the Jordan are original, and the few which were from other sources, including Maundrell and Le Bruyn, besides being acknowledged, were only used by the Publisher as illustrations of the text, in the manner that Dr. Clarke's and other Travels have been illustrated, without its eliciting from this Reviewer a single observation; he could not deny their accuracy and appropriateness, and he could not indicate a single error in their use; so that, driven to his last shift, he has attempted to fasten on us the charge of borrowing from some "obsolete work" a view of a place never before heard of or described, merely because two square holes above the side arches of a gateway are mentioned in the text and not given in the view; and because the corinthian capitals were said in the text to be broken on the top, whereas in the view they are clearly seen. We appeal to any one who has ever been placed in circumstances, where, desirous of conveying to others some idea of a ruined building or a general view, he could only obtain from haste or other causes, a dozen lines with a pen, to be filled up by memory, whether such a view would not in his estimation, have all the merit he aimed at, if it were correct in substance, and merely inaccurate in some item of minor detail. The views in every Book of Travels that we have seen, present some instances of this; and the Reviewer, if he had any experience, must have known this. But the sketch being made at one time, and the written description at another, their want of perfect correspondence throughout is not all wonderful. Had there been any feeling of a dishonest tendency leading to imposition, any person in his senses would have referred to the written details for the filling up required; but there was no such intention, and accordingly both were suffered to remain as they were, without attempting to accommodate the one to the other. Had the Reviewer one grain of gentlemanly feeling or candour about him while writing his article, he would have adverted to an exactly parallel case, in illustration of this honesty and plain dealing on the part of his Author, but this would have defeated the end he had in view, which was to condemn us, right or wrong. At page 394 of the *Travels in Palestine*, there is the following Note on a similar disagreement between the plan and written description of one of the streets of Geraza. "The written description here is not in perfect harmony with the plan. The last was laid down from a set of bearings taken with a good compass; the first was composed also on the spot. The error is in the point of bearing only; but which of the two is more correct, my recollection does not allow me to decide; so that I have suffered both the authorities to remain unaltered." We ask whether this is not the most frank and honest course that could be pursued in a similar case of doubt?—That is the course which we

have pursued, and if the Reviewer had any other than a crooked and tortuous mind, bent on our defamation, he would himself have applauded it."

The next quotation from the QUARTERLY REVIEW, which the original Correspondent of JOHN BULL could not have seen, or has unaccountably forgotten, is as follows:—

"One word more upon Mr. Buckingham's plates, and we have done with him. The paragraph in which he announces them in his Preface is most warily drawn up. 'MANY of the vignettes are from original drawings made after sketches taken on the spot.' (p. xx.) He carefully abstains from stating which of them, by whom made, and when: thus if his reader be deceived, the author has provided a retreat for his conscience, in not having hazarded the 'lie direct.' In a subsequent page we find the following burst of 'honest indignation' in his animadversions on the plates in an edition of Maundrell's journal. 'Some well-meaning friend, or some interested bookseller, subsequently caused these drawings to be composed from the printed descriptions and charts of the places they profess to represent, and thus embellished, they thought, while they really disgraced the book. This is the more probable, as no name is given either of the painter or engraver. Such a practice, however, cannot be too severely reprehended; as these plates only give false impressions, which are avowedly worse than none at all.' Who would suppose it possible, after this, that 'no name should be given either of the painter or engraver' on any one of the plates in Mr. Buckingham's volume!—Yet so it is. As 'the practice,' however, is so 'reprehensible,' we will do him the kindness to mention that most of them are copies from the prints in Le Bruyn's Travels, published more than a century ago. These, then, are the vignettes from original drawings made after sketches taken on the spot—whether by Mr. Buckingham in 1815, or by Le Bruyn in 1681, matters not, of course. It is true that this confusion of widely distant periods may lead to a few 'false impressions,' as, for instance, where Tyre (chap. ii.) is presented to us as a mere heap of ruins, (which it was when Le Bruyn visited it,) though it is now a flourishing place; or where Jaffa appears (p. 144.) as it then was, an open scattered village, though it is now a walled city; still, however, as it is probable that Le Bruyn's sketches were really made on the spot, Mr. Buckingham's word is saved! As to all the remaining views (which do not exceed three or four,) it is quite certain that not one of them was made upon the spot; though whether taken out of other books, or 'composed in the manner the 'interested booksellers' (greatly to the scandal of our author) treated poor Mr. Maundrell, we cannot determine: the fraud, however, is as clumsy as it is gross, for had we never met with Le Bruyn, nor suspected our author to be no draughtsman, his own descriptions would have enabled us to pronounce that the views do not belong to his work.

"The map is D'Anville's with all its errors; for it is one of the least correct of the productions of that extraordinary genius: and the ground-plans of Jerusalem are taken out of a translation of Josephus. Upon the whole, we are compelled to say of this dull and tiresome volume, which we have gone through with more care than it deserved, that the plates are worthy of the letter-press, and both of them, we verily believe of the author."

The reply given to this on the 14th of August last, at page 618 of the JOURNAL is as follows:—

"The charge respecting the Plates has been answered before; and if it were "to provide a retreat for conscience that we abstained from particularizing which were original and which were not;" what must be the motive of the Reviewer for steering equally clear of all particular indication? Can it be a crime in the one, and a virtue in the other? The truth is that though the Reviewer has not succeeded in convicting us of misrepresentation in any one instance, he is himself without a retreat either for his conscience or reputation; for when he says that there is not one of these Plates that was made from Sketches taken on the spot, we can give him the "lie direct," to use his own elegant phrase, and tell him that ALL the Plates (with the exception only of the ancient Plan of Jerusalem, which could not have been done by a modern hand) are original; that *after* of the vignettes are from original Sketches, namely, Harbour of Alexandria—Tomb of Rachel—the Pass to Jericho—Crossing the Jordan—Arab Camp in Gilead—Arch of Geraza—Ionic Colonnade—Sarcophagi of Geraza—Bath on the Hieromax—View of Tiberias—Ruins of Capernaum—Baths on the Lake—Sarcophagi of Esdraelon—Mountains of Samaria—Castle of Sanhoor;—leaving *none* to be divided among Le Bruyn, Maundrell, Pococke, and Casas, while many more of the originals sent home have been omitted altogether. The complaint urged by us as to some of the plates in Maundrell, evidently put into a later edition of his Book long after his death, was a well founded one, because these were not merely inaccurate, but bore no resemblance whatever to the places they were said to delineate; whereas, of the few that were selected by us to add to the original Sketches, they were avowedly chosen because of their fidelity, and notwithstanding what is said of Tyre and Jaffa, the only two places named, they are still, tho' imperfect, the best views known to us of the places in question. The wilful falsehood of the assertion, that "the

remaining views are only three or four," instead of *fifteen*, and the gratuitous assertion of what he could not possibly know, that none of these were sketched on the spot, is a finishing stroke to the arrogant pretensions of a Reviewer who affects to know as accurately what persons did do, as what they did.

"The closing sentence of the Reviewer is worthy of himself. He commences it with a blunder, by saying that "the Map is D'Anville's with all its errors, it being one of the least correct of the productions of that extraordinary genius." The Reviewer must have been reading the Preface when he wrote this, instead of looking at the Map itself:—In the Preface it is said "The ancient Map of Palestine is taken, with very trifling alterations, from D'Anville, as the most generally known and approved authority on this subject, and the most frequently referred to." Unfortunately, however, for the critical reputation of the Reviewer, this Map was thought by the Publishers unnecessary; and has not been engraved at all!! The only Map issued with the Work is one that was wholly constructed from an original Book of Bearings and Distances, here in the Surveyor General's Office in Calcutta, and has a large portion of country and many places included in it wholly unknown to D'Anville or any other authority, as any one may see by comparing them together. Such a discovery was indeed worthy of the sagacity of THE QUARTERLY REVIEW. Of the ground plan of the ancient Jerusalem from Josephus, we have before spoken, and should be glad to know where the Reviewer could direct us to find a better.

"Upon the whole, (says this writer,) we are compelled to say of this dull and tiresome volume, which we have gone through with more care than it deserved, that the plates (which he contends are not original) are worthy of the letter press (which he insinuates is also borrowed or stolen); and both of them of the author," (who according to his own shewing, could have no just claim to either!)—so that this Reviewer, is reduced to the necessity of proving that his Author's text is not his own—and that his embellishments are all the work of others—but 'that nevertheless HE ALONE is answerable for the demerits of BOTH!!—"
"O! most lame and impotent conclusion."

After this, it must be quite unnecessary for us to reprint again, what has been already offered to the Public on matters long since agitated, and settled, in the minds of all who felt an interest in the questions to which they referred. We might otherwise go over the whole of the Controversy relating to Sir Edward Hyde East, to the Vestry Disputes, to the Letter of ONE OF THE MANY, to the Letter of EMULUS, and many other matters, which some zealous Friend of the BULL advises him to reprint in a Pamphlet for the information of all new-comers! We can only say, that if Sir Edward Hyde East and his Friends, to whom the means of redress either legal or otherwise were as open as to all other persons, sought no remedy for injury inflicted or sustained, there is but one inference to be drawn from their not seeking it: and if they deemed silence the best course, they are not their best friends who revive the matter now. If the explanations offered on the Letter of "ONE OF THE MANY," were deemed satisfactory at the time of its first publication, and the Army were convinced of the misconception given to the whole drift and meaning of the Writer and Publisher, by those who strove to stir them up to anger *then*, they are neither the Friends of the Army nor of the Country who seek to revive that subject, now. We shall leave it to JOHN BULL and his Correspondents therefore, to ring the changes on matters answered and put to rest so long ago, from the ten-times-denied identification of the JOURNAL with Thistlewood and Iags, to the ten-times-refuted imputation of having no regard to either Piety or Decency, and strive to entertain our Readers with something *new* as well useful, in return for that exemplary patience with which they have borne all the tedious interruptions of the past, but which we hope will never again be required of them in the future.

Stations of Vessels in the River.

CALCUTTA, JANUARY 24, 1833.

At Diamond Harbour.—H. C. S. COLDSTREAM.—FUTTA ROHATY, FUTTA SALAM, and MERCUS, (Brig), passed down.—FLORA, passed up. Kagersee.—LARKINS, and CABRAN, (Arab), outward-bound, remain.

New Anchorage.—H. C. S. GENERAL HEWITT, THAMES, MAR-CHIONESS OF ELY, WINCHELSEA, and WARREN HASTINGS.

Saugor.—GENERAL LECOR, (P.), below Saugor, outward bound, remains.—ROYALIA, (P.), outward bound, remains.—LUX, (P.), below Saugor, outward-bound, remains.—MELICKEL BHUR, outward-bound, remains.